

City of Scottsdale

7447 East Indian School Road Scottsdale, AZ 85251

Memorandum

DATE:

June 16, 2005

TO:

Mayor Mary Manross and Members of the City Council

Jan Dolan, City Manager

FROM:

Ed Gawf, Assistant City Manager

RE:

Supplemental Zoning Information – 26-ZN-04

The attached information includes supplemental information regarding the Arizona State University Foundation (ASUF) and the City of Scottsdale (COS) Center for New Technology and Innovation rezoning case (26-ZN-04). Last week you received a binder with the majority of the case documents and attachments. This package includes, in addition to this cover memo, the following:

- Ordinance No. 3629
- Resolution No. 6708
- Minor Corrections to the stipulations
- Development Review Board (DRB) minutes and PowerPoint slides

The attached ordinance is the official action that the City Council will vote on at your June 21st public hearing. The request is to approve the rezoning to the Planned Community (P-C) District on the 42 +/- acres at the southeast corner of Scottsdale and McDowell Roads and the required findings per the Zoning Ordinance. The resolution identifies that all of the attachments in the PC District Development Plan (the 2nd tab in your binder) will be on file in the City Clerk's office for review. The revised stipulation pages in this packet are minor grammatical errors and corrections that do not substantively change the stipulations. Finally, the DRB minutes and PowerPoint slides are attached to inform you of what occurred at the DRB meeting on June 9th.

With regards to the progress of this case, the rezoning to the PC District requires recommendations from the Development Review Board on the amended development standards request portion of this application, along with a recommendation from the Planning Commission on the entire rezoning case. The Development Review Board heard the case on June 9th and primarily discussed the requested amended development standards portion of the zoning

case. The minutes and Staff's Power Point slides are attached. After discussion of the project with Staff and the ASUF applicants regarding the proposed amended standards, the DRB unanimously recommended approval, 7-0.

The Planning Commission heard the case at their June 15th public hearing. The minutes to this hearing will be sent to the Mayor and City Council this weekend. There were only a handful of citizen speakers regarding the rezoning case with positive comments regarding the proposal and a concern that dormitories do not occupy the site. The Planning Commission unanimously recommended in favor of the proposal, 7-0. If you have any questions regarding this supplementary packet or the binder you received last week, please do not hesitate to contact me.

cc: C. Jagger For the Public Record

ORDINANCE NO. 3629

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO. 26-ZN-2004, TO REZONE THE PROPERTY FROM C-3 (HIGHWAY COMMERCIAL) AND C-S (REGIONAL SHOPPING CENTER) DISTRICTS TO P-C (PLANNED COMMUNITY) DISTRICT WITH A DEVELOPMENT PLAN, CONDITIONS OF APPROVAL AND AMENDED DEVELOPMENT STANDARDS AS APPROVED IN CASE NO. 26-ZN-2004 ON PROPERTY GENERALLY LOCATED ON THE SOUTH EAST CORNER OF SCOTTSDALE AND MCDOWELL ROADS.

WHEREAS, Case No. 26-ZN-2004 is a complete application and has been properly noticed for City Council consideration, pursuant to the requirements of the Zoning Ordinance of the City of Scottsdale and the statutes of the State of Arizona, and the necessary citizen participation process and hearings have been completed; and

WHEREAS, the Scottsdale Development Review Board and the Scottsdale Planning Commission have both reviewed this case and have made recommendations to Scottsdale City Council; and

WHEREAS, the Council of the City of Scottsdale seeks to rezone an approximately 42 acre property described in Case No. 26-ZN-2004; and

WHEREAS, the Council of the City of Scottsdale wishes to amend the comprehensive zoning map of the City of Scottsdale for this Property;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, as follows:

Section 1. That the "District Map" adopted as a part of the Zoning Ordinance of the City of Scottsdale and showing the zoning district boundaries, is amended by rezoning the Property described on the attached legal description labeled as Attachment A and shown on the map attached as Attachment B, both of which are incorporated herein by reference, from C-3 (Highway Commercial) and C-S (Regional Shopping Center) District to P-C (Planned Community) District.

Section 2. After findings by the Planning Commission in conformance with the requirements of the P-C District, the Council hereby finds pursuant to the Zoning Ordinance of the City of Scottsdale, § 5.2105 that:

- A. That the development proposed is in substantial harmony with the General Plan of the City of Scottsdale, and can be coordinated with existing and planned development of surrounding areas.
- B. That the streets and thoroughfares proposed are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby.
- C. That the facts submitted with the application and presented at the hearing establish beyond reasonable doubt that:
 - 1. In the case of proposed residential development, that such development will constitute a residential environment of sustained desirability and stability; that it will be in harmony with the character of the surrounding area; and that the sites proposed for public facilities, such as schools, playgrounds and parks, are adequate to serve the anticipated population.
 - 2. In the case of proposed industrial or research uses, that such development will be appropriate in area, location and overall planning to the purpose intended; and that the design and development standards are such as to create an industrial environment of sustained desirability and stability.
 - 3. In the case of proposed commercial, institutional, recreational and other non-residential uses, that such development will be appropriate in area, location and overall planning to the purpose intended; and that such development will be in harmony with the character of the surrounding areas.

Section 3. That the rezoning is conditioned on compliance with the Development Plan and with the Conditions of Approval contained in that certain document "Case 26-ZN-2004 Planned Community District Development Plan" three copies of which are on file in the Office of the City Clerk, and one copy of which shall remain on file with the City's Planning and Development Services Department, which document was made a public record by Resolution No. 6708 of the City of Scottsdale, Arizona, and which is hereby referred to, adopted and made part hereof as if fully set out in this Ordinance.

Section 4. That the Zoning Ordinance of the City of Scottsdale is hereby amended as set forth in the use list derived from the comparable zoning districts PRC (Planned Regional Center), I-1 (Industrial Park), and C-O (Commercial Office), as contained in that chart labeled, Attachment D, "PERMITTED USES", and included in Section 4.1, and the Conditions of Approval of that public record described in Section 3 of this Ordinance. Attachment D shall constitute all of the uses available for this case.

Ordinance No. 3629 Page 3 of 3

Section 5. That the Zoning Ordinance of the City of Scottsdale is hereby amended as set forth in the amended development standards for the comparable zoning district PRC (Planned Regional Center), as contained in that chart labeled Attachment E and included in Section 4.2, the Public Document described in Section 3 of this Ordinance. Attachment E shall constitute all of the development standards for this case.

PASSED AND ADOPTED by the Council of the City of Scottsdale this $21^{\rm st}$ day of June 2005.

ATTEST: Arizona	CITY OF SCOTTSDALE, an
	municipal corporation
Ву:	By:
Carolyn Jagger	Mary Manross
City Clerk	Mayor

APPROVED AS TO FORM:

Deborah Robberson Acting City Attorney

Escrow/Title No. 2408906 41

PARCEL NO. 1: (Ellman Parcel 18 & 19: APN 14D/F)

That part of the Northwest quarter of the Northwest quarter of Section 2, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the Northwest corner of said Section 2 and running;

thence South, along the West line of said Section 2, a distance of 290.00 feet; .

thence No:th 88 degrees 52 minutes 30 seconds East, parallel with the North line of said Section 2, a distance of 65.00 feet to a point on the East line of Scottsdale Road;

thence South, along the East line of Scottsdale Road, 544.80 feet to a point in a line which is parallel with and distant Southerly 834.65 feet recorded, 834.81 as measured at right angles from the Northerly line of said Section 2;

thence North 88 degrees 52 minutes 30 seconds East, along last mentioned parallel line, 819.33 feet recorded, 819.61 feet measured;

thence at right angle North 01 degrees 07 minutes 30 seconds West 413.50 feet;

thence South 88 degrees 52 minutes 30 seconds West, parallel with the North line of said Section 2, 212.68 feet;

thence North 01 degrees 07 minutes 30 seconds West, 45.70 feet;

thence South 88 degrees 52 minutes 30 seconds West, parallel with the North line of said Section 2, 55.25 feet;

thence at right angles North 01 degrees 07 minutes 30 seconds West, 310.46 feet to a point on the Southerly line of McDowell Road;

thence South 88 degrees 52 minutes 30 seconds West, along the Southerly line of McDowell Foad, 311.28 feet recorded, 311.46 feet measured to the East line of the West 290 feet of the Northwest quarter of the Northwest quarter of said Section 2;

thence North, along the East line of the West 290 feet of the Northwest quarter of the Northwest quarter of said Section 2, a distance of 65.00 feet to the North line of said Section 2;

thence South 88 degrees 52 minutes 30 seconds West, along said North line, 290.00 feet to the Northwest corner of said Section 2 and the Point of Beginning.

PARCEL NO. 2: (Ellman Parcel 8: APN 7C)

That part of the Northeast quarter of the Northwest quarter of Section 2, Township 1 North, Rarge 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

ATTACHMENT A

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Beginning at a point South 0 degrees 12 minutes 40 seconds West 65 feet and North 88 degrees 52 minutes 30 seconds East 30 feet from the Northwest corner of said Northeast quarter of the Northwest quarter of Section 2;

thence North 88 degrees 52 minutes 30 seconds East along a line parallel with and 65 feet South of the North line of said Section 2 (said line being along the Southerly line of McDowell Road) a distance of 590.00 feet to the intersection of the South line of McDowell Road and the West line of an access road running North and South through said Northeast quarter of the Northwest quarter of Section 2;

thence South 0 degrees 12 minutes 40 seconds West along the West line of said access road 545.00 feet to a line which is parallel with and distant Southerly 544.85 feet, measured at right angles, from the South line of McDowell Road;

thence South 88 degrees 52 minutes 30 seconds West along said parallel line 222.35 feet to a point of intersection with a line which is parallel with and distant Easterly 3;7.55 feet, measured at right angles, from the East line of 74th Street (said point of intersection being also the True Point of Beginning of this parcel);

thence South 0 degrees 12 minutes 40 seconds West along last mentioned parallel line 276.14 feet to a point on the North line of an access road running East and West through sald Northeast quarter of the Northwest quarter of Section 2;

thence North 88 degrees 52 minutes 30 seconds East along said North line 222.35 feet to a point on the West line of said access road running North and South;

thence Nor:h 0 degrees 12 minutes 40 seconds East along said West line 276.14 feet to the line which is parallel with and distant Southerly 544.85 feet, measured at right angles, from said Southerly line of McDowell Road;

thence South 88 degrees 52 minutes 30 seconds West along last mentioned parallel line 222.35 feet to the True Point of Beginning.

PARCEL NO. 3: (Ellman Parcel 16: APN 13B)

That part of the Northwest quarter of the Northwest quarter of Section 2, Township 1 North, Range 4 East of the Gila and Salt River Base and

Beginning at a point North 88 degrees 52 minutes 30 seconds East, (assumed bearing), a distance of 65.00 feet and South 1 degree 07 minutes 30 seconds East, a distance of 65.00 feet from the Northwest corner of said Section 2, (said corner also being the intersection of McDowell Road and Scottsdale Road);

thence North 88 degrees 52 minutes 30 seconds East along a line parallel with and distant Southerly 65.00 feet from the North line of Section 2, (said line being also the South line of McDowell Road), a distance of 536.46 feet to the True Point of Beginning; being the Northwest corner of Parcel 1 conveyed to Broadway Hale Stores by instrument recorded in Docket 7340, page 398, records of Maricopa County, Arizona;

thence condinuing North 88 degrees 52 minutes 30 seconds East, along last said parallel line (and South line of McDowell Road), a distance of 541.69 feet, being the

Escrow/Title: No. 2408905

Northwest corner of parcel conveyed to The Valley National Bank by instrument recorded in Docket 4277, page 314, records of Maricopa County, Arizona;

thence South 1 degree 07 minutes 30 seconds East, a distance of 200.00 feet;

thence North 88 degrees 52 minutes 30 seconds East, a distance of 145.34 feet to the intersection with a line parallel with and 30.00 feet Westerly of the East line of the Northwest quarter of the Northwest quarter of said Section 2 (said parallel line also being the West line of 74th Street);

thence South 0 degrees 12 minutes 40 seconds West, along last said parallel line and West line of 74th Street, a distance of 569.81 feet;

thence South 88 degrees 52 minutes 30 seconds West, a distance of 405.81 feet, to the Southwest corner of Parcel No. 2 conveyed to Broadway-Hale Stores by instrument recorded in Docket 7340, page 398, records of Maricopa County, Arizona;

thence North 1 degree 07 minutes 30 seconds West, a distance of 413.50 feet;

thence South 88 degrees 52 minutes 30 seconds West, a distance of 212.68 feet;

thence North 1 degree 07 minutes 30 seconds West, a distance of 45.70 feet;

thence South 88 degrees 52 minutes 30 seconds West, a distance of 55.25 feet;

thence North 1 degree 07 minutes 30 seconds West, a distance of 310.45 feet to the True Point of Beginning.

PARCEL NO. 4: (Ellman Parcel 10: APN 7E)

That part of the Northeast quarter of the Northwest quarter of Section 2, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at a point South 0 degrees 12 minutes 40 seconds West (assumed bearing), 65.00 feet and North 88 degrees 52 minutes 30 seconds East, 30.00 feet from the Northeast corner of the Northwest quarter of the Northwest quarter of said Section 2;

thence South 0 degrees 12 minutes 40 seconds West along a line parallel with and distant Easterly 30.00 feet from the West line of said Northeast quarter of the Northwest quarter of Section 2 (said line being also the East line of 74th Street), a distance of 545.00 feet to the True Point of Beginning, being the Northwest corner of parcel conveyed to Broadway-Hale Stores by instrument recorded in Docket 6310, page 585, records of Maricopa County, Arizona;

thence North 88 degrees 52 minutes 30 seconds East, a distance of 247.73 feet;

thence South 0 degrees 12 minutes 40 seconds West, a distance of 276.14 feet;

thence South 88 degrees 52 minutes 30 seconds West, a distance of 247.73 feet; to the

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intersection of last said parallel line (and East line 74th Street);

thence North O degrees 12 minutes 40 seconds East along said parallel line (and East line of 70th Street), a distance of 275.14 feet to the True Point of Beginning.

PARCEL NO 5: (Ellman Parcel 17: APN 14B)

That part of the Northwest quarter of the Northwest quarter of Section 2, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at a point which lies South (South 00 degrees 00 minutes 28 seconds West measured), 1390.55 feet and North 88 degrees 59 minutes 20 seconds East, 65.01 feet from the Morthwest corner of said Section 2, said point being the intersection of the North line of an alley shown on a plat of New Papago Parkway Unit 9, said plat being recorded at Book 85 of Maps, page 33, records of Maricopa County, Arizona, and the Easterly line of Scottsdale Road;

thence North 88 degrees 59 minutes 20 seconds East along said North line, 1089.41 feet (1089.95 feet measured) to an angle point therein;

thence continuing along said North line, North 73 degrees 02 minutes 20 seconds East, 164.55 feet to a point in the Westerly line of 74th Street, said point lying in a curve, concave Northeasterly and having a radius of 534.01 feet (a radial line through said point bears North 73 degrees 02 minutes 20 seconds East);

thence Northerly along said curve and along said Westerly line of 74th Street through a central angle of 17 degrees 10 minutes 20 seconds and an arc distance of 160.05 feet to a point of tangency in said Westerly line;

thence continuing along said Westerly line North 00 degrees 12 minutes 40 seconds East, 354.94 feet to a line which is parallel with and distant Southerly 834.66 feet, measured at right angles, from the centerline of McDowell Road;

thence South 88 degrees 52 minutes 30 seconds West along said parallel line, 1224.95 feet (1225.42 feet measured) to the Easterly line of said Scottsdale Road;

thence South (South 00 degrees 00 minutes 28 seconds West measured) along said Easterly line 555.87 feet to the point of beginning.

PARCEL NO. 6: (Ellman Parcel 7: APN 7B)

That part of the Northeast quarter of the Northwest quarter of Section 2, Township 1 North Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the intersection of a line which is parallel with and distant Easterly, 30.00 feet, measured at right angles, from the West line of said Northeast quarter of the Northwest quarter (centerline of 74th Street) and a line which is parallel with and distant Southerly, 925.92 feet, measured at right angles, from the North line of said Section 2 (last mentioned line being also a line which bears North 88 degrees 52

Escrow/Title: No. 2408906

minutes 30 seconds East along the South line of a non-exclusive easement for ingress and egress recorded as Parcel No. 1 at Docket 4551, page 138, records of Maricopa County, Arizona;

thence North 88 degrees 52 minutes 30 seconds East along last mentioned line, 182.49 feet to the West line of a Parcel of land conveyed to Tucson District Methodist Union by Deed recorded at Docket 4551, page 142, records of said Maricopa County;

thence South 00 degrees 12 minutes 40 seconds West along the Westerly line of last mentioned land, 359.43 feet to the Northerly line of an alley shown on a plat of New Papago Parkway Unit 8, said plat being recorded in Book 85 of Maps, page 21, records of said Maricopa County;

thence South 73 degrees 02 minutes 20 seconds West along last mentioned Northerly line, 168.83 feet to a point in the Easterly line of 74th Street, said point lying in a curve, concave Northeasterly and having a radius of 474.01 feet (a radial through said point bears North 73 degrees 02 minutes 20 seconds East);

thence Northerly along said curve and along said Easterly line of 74th Street through a central angle of 17 degrees 10 minutes 20 seconds and an arc distance of 142.07 feet to a point of tangency in the first above-mentioned parallel line (Easterly line of 74th Street);

thence North 00 degrees 12 minutes 40 seconds East along last mentioned line, 265.06 feet to the point of beginning.

PARCEL NO. 7: (Ellman Parcel 9: APN 7D)

That part of the Northeast quarter of the Northwest quarter of Section 2, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at a point South 0 degrees 12 minutes 40 seconds West, 65 feet and North 88 degrees 52 minutes 30 seconds East, 30 feet from the Northwest corner of said Northeast quarter of the Northwest quarter of Section 2;

thence No:th 88 degrees 52 minutes 30 seconds East along a line parallel with and 65 feet South of the North line of Section 2, (said line being also the Southerly line of McDowell Road), a distance of 590.00 feet to the intersection of the South line of McDowell Road and the West line of an access road running North and South through said Northeast quarter of the Northwest quarter of Section 2;

thence South 0 degrees 12 minutes 40 seconds West along the West line of said access road, 545.00 feet to a line which is parallel with and distant Southerly, 544.85 feet, measured at right angles, from the South line of McDowell Road;

thence South 88 degrees 52 minutes 30 seconds West along said parallel line 222.35 feet to a point of intersection with a line which is parallel with and distant Easterly, 367.55 feet, measured at right angles from the East line of 74th Street (said point of intersection being also the point of beginning of this Parcel);

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thence South 0 degrees 12 minutes 40 seconds West along last mentioned parallel line, 276.14 feet to a point on the North line of an access road running East and West through said Northeast quarter of the Northwest quarter of Section 2;

thence South 88 degrees 52 minutes 30 seconds West along the North line of said access road, 119.92 feet to a point of intersection with a line which is parallel with and distant Easterly, 247.65 feet, measured at right angles, from the East line of said 74th Street;

thence North 0 degrees 12 minutes 40 seconds East along last mentioned parallel line 276.14 feet to the line which is parallel with a distant Southerly, 544.85 feet measured at right angles from Southerly line of McDowell Road;

thence North 88 degrees 52 minutes 30 seconds East along last mentioned parallel line, 119.92 feet to the point of beginning.

Exhibit A-1 Diagram of "Property"

POR NW4 SEC2 T-IN R-4E

BOOK 131 MAP 17

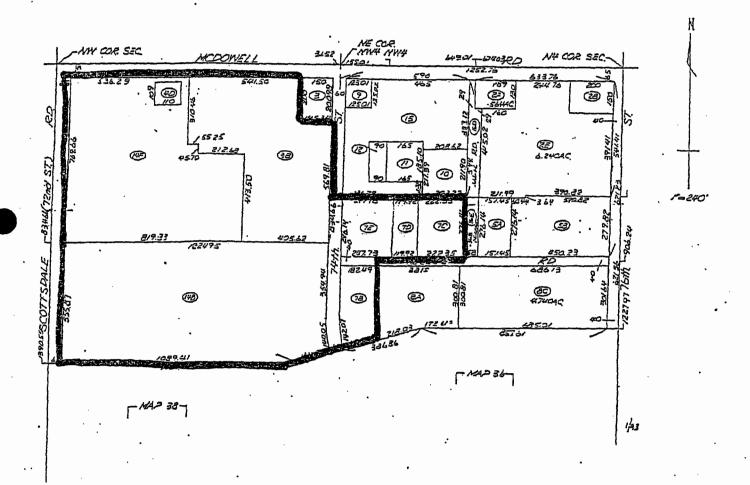
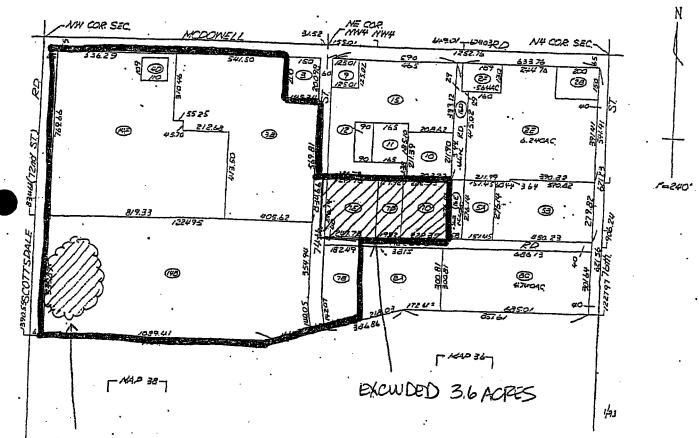


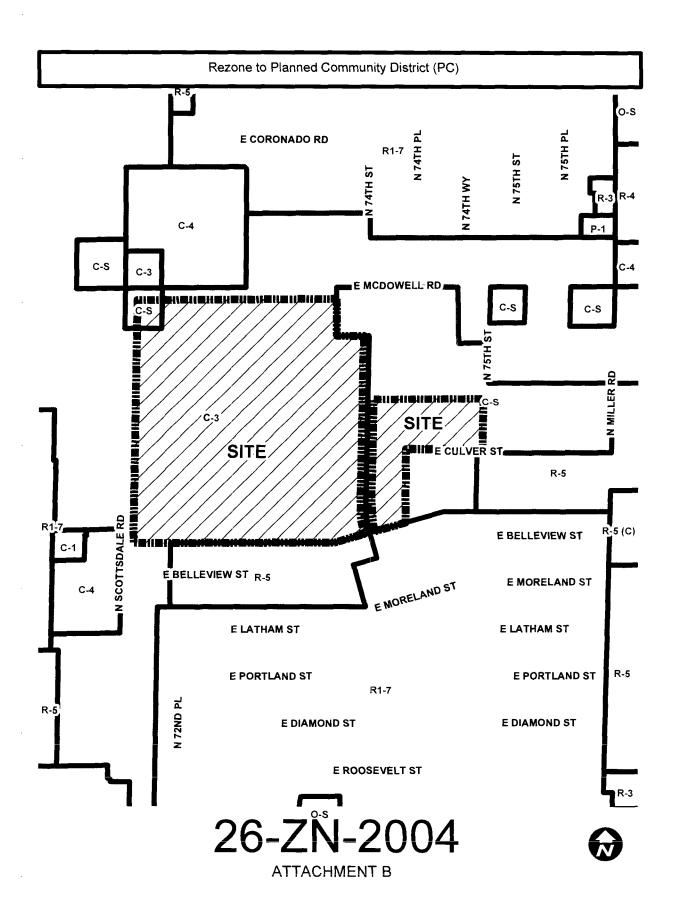
Exhibit A-2 Diagram of "Excluded Parcels"

POR. NW4 SEC.2 T-IN R-4E

BOOK 131 MAP 17



APPROXIMATE LOCATION OF 1.5 ACRE EXCLUDED PARCEL -LOCATION SUBJECT TO CHANGE





PERMITTED USES
RESEARCH & DEVELOPMENT FACILITIES
Research Offices
Laboratories
RETAIL SALES
Art gallery
Bakery
Books, newspaper, magazine or stationery stores
Camera or photographic supply
Cigar, tobacco, cigarette stores
Drug and proprietary stores
Florists
Food stores, grocerie stores such as grocers, delicatessens, meat/fish/fruit/vegeatables/ candy/nut/confectionery, dairy products and bakeries
Furniture, home furnishings and equipment stores such as furniture, inside window coverings, china, glassware, metalware, household appliances, radios and
Gift, novelty, import, art, jewelry or souvenir stores
Sporting goods and bicycles sales
Video tape rental
Retail sales directly related to but clearly incidental to primary manufacturing, assembly,
Apparel and accessories
GENERAL OFFICES
Banks, finance offices, lending institutions, stock brokerage firms, S&L, C.U.
Broadcasting station and studio, radio or TV not including transmitter/receiver
Business services including blueprinting and photocopying, printing, office equip rentals
Corporate headquarters, may include transient residential units for employees on <20 ac.
Finance, insurance and real estate services including banking and bank-related services,
Office, professional, for Accountant, architect, chiropodist, chiropractor, dentist, engineer.
Professional services including legal services, engineering, interior design, architectural, bookkeeping



PERMITTED USES
MEDICAL OFFICES
Laboratores; Medical, dental, blood bank
Optician
Pharmaceutical manufacturing
GOVERNMENT
Branch post office
Cultural activities including libraries and museums
Museum, library, post office
Colleges and universities having a regular cirriculum
SERVICES
Business schools
Educational services including art & music schools, dancing, college or university extensions
Establishments supplementary to other permitted uses such as Pharmacy, apothecary shop, optical
photography, music, drama, dance, excluding commercial gymnasium, dance hall or job
Public assembly facilities including indoor motion picture theaters and legitimate theatres
Private businesses, professional and civic clubs and associations
Restaurants; eating establishments
Health Studio



PERMITTED USES
PERSONAL SERVICES
Day care
Health studio
Recreational facilities including ice skating, roller skating, bowling, gymnasiums, racquet, paddle or handball, health, and fitness centers
Studio: for professional work, or teaching of any form of commercial or fine arts,
Travel agency
RESIDENTIAL
Hotels, motels and Inns
Multi-family residential

ATTACHMENT E

ASUF/COS DEVELOPMENT STANDARDS

CATEGORY	DEVELOPMENT STANDARD
FLOOR AREA RATIO	In no case shall the gross floor area of a structure exceed the amount equal to eight-tenths multiplied by the net lot area of the P-C site in square feet.
VOLUME RATIO	Volume ratio. In no case shall the volume of any structure exceed the product of the net lot area of the P-C site in square feet multiplied by sixteen (16) feet.
	No building shall exceed sixty (60) feet in height except as otherwise provided in Article VII or this subsection.
BUILDING HEIGHT	Where the City Council determines that a freestanding ornamental monument meets the criteria set forth below to justify a height greater than that normally allowed within the P-C zone, the City Council may approve a height for a freestanding ornamental monument in excess of the height allowed in the P-C zone. A freestanding ornamental monument shall not include signage. a. The Development Review Board and Planning Commission shall review and pass a recommendation on to the City Council based upon the following criteria: (1) Amended height for such monument shall be based on the context and character of the site and surrounding area. (2) Such monument shall be designed so as to provide a focal point, which provides scale and balance to a particular site. (3) Such monument shall be accessible by pedestrians and not isolated in site design. (5) Such monument shall be accessible by pedestrians and not isolated in site design.
FRONT YARDS	A minimum of twenty-five (25) percent of the total open space requirement shall be provided as frontage open space to provide a setting for the buildings, visual continuity within the community, and a variety of spaces in the streetscape
SIDE AND REAR YARDS	Buildings thirty-six (36) feet or less in height shall be set back not less than fifty (50) feet from any residential zoning district. Buildings more than thirty-six (36) feet in height shall be set back not less than two (2) feet for each foot of building height from any adjacent residential zoning district. All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by site plan or Development Review Board
	approval.

	In no case shall the open space requirement be less than twenty (20) percent of the net lot area except as provided in section 5.2604C.3.
OPEN SPACE REQUIREMENTS	The P-C district shall have a portion of the development oriented towards a courtyard or mall with buildings enclosing the courtyard, and opening onto the courtyard from at least three (3) sides. The courtyard or mall shall be a minimum of one (1) percent of the net lot area of the P-C. site In square feet. The courtyard or mall shall be considered to be open space. If, in the opinion of the Development Review Board, a suitable alternative design solution is presented, the courtyard requirement may be waived. Open space required under this section shall be exclusive of parking lot landscaping required under the provisions of article IX of this ordinance.
DENSITY	1. Hotels or motels shall provide a minimum gross land area of two thousand (2,000) square feet of land per guest room.
	 Dwellings shall provide a minimum gross land area of two thousand (2,000) square feet per dwelling unit. Floor area devoted to dwellings shall not be included in calculating maximum floor area as provided in section 5.2604A.
PROPERTY SIZE	The gross land area on which there is a P-C. development shall not be less than twenty-five (25) acres.
OFF-STREET PARKING	The provisions of article IX shall apply, except all non-office commercial uses shall be parked at 1 space per 300 gross square feet. Structured parking shall not be calculated towards provided floor area ratio and provided volume.
SIGNS	The provisions of article VIII shall apply except a master sign plan shall be submitted at the time of development review application.

RESOLUTION NO. 6708

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN PLANNED COMMUNITY DISTRICT DEVELOPMENT PLAN, FILED WITH THE CITY CLERK OF THE CITY OF SCOTTSDALE ENTITLED "CASE 26-ZN-2004, PLANNED COMMUNITY DISTRICT DEVELOPMENT PLAN"

BE IT RESOLVED by the Mayor and Council of the City of Scottsdale, Arizona, as follows:

Section 1. That certain document entitled "Case 26-ZN-2004 Planned Community District Development Plan" three copies of which are on file in the office of the City Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the City Clerk.

PASSED AND ADOPTED by the Council of the Arizona this day of, 2005.	ne City of Scottsdale, Maricopa County
ATTEST:	CITY OF SCOTTSDALE, an Arizona municipal corporation
By: Carolyn Jagger, City Clerk	By: Mary Manross Mayor

APPROVED AS TO FORM:

Deborah Robberson Acting City Attorney

1.3 DEFINITIONS

ASUF means Arizona State University Foundation, tenant, and its successors.

<u>City</u> means the City of Scottsdale, landlord, and its successors.

<u>Development Plan</u> as defined and required by section 5.2100 PC district of the Scottsdale Revised Code means all plans and written descriptions in Sections 1.0 through 4.0 of this document and supporting plans and reports in the 26-ZN-2005 case file.

Ground Lease means the document dated August 9, 2004 by and between the City of Scottsdale and ASUF Scottsdale L.L.C., as it may be modified from time to time by the parties.

<u>Infrastructure</u> means the Infrastructure to be constructed by Landlord to the extent specified in the Ground Lease ("<u>Infrastructure</u>") which shall include the following (except to the extent that some items may be deferred by agreement of Landlord and Tenant to subsequent building(s) of the Center):

- (i) Demolition of existing structures and improvements;
- (ii) Any environmental remediation deemed necessary or appropriate by Landlord in its sole, absolute and unfettered discretion;
- (iii) Grading;
- (iv) Construction of streets within the boundaries of the Premises that shall be dedicated to the public, including curbs and gutters;
- (v) Installation of conduit for placement of "dry utilities" to the boundaries of the buildings envelopes depicted on the Site Plan;
- (vi) Installation of water and sewer lines to the boundaries of the building envelopes depicted on the final approved Site Plan;
- (vii) Installation of street lighting and landscaping;
- (viii) Installation of public art (estimated at one percent (1%) of the total applicable Center costs);
- (ix) Construction of the plaza and open space; and
- (x) Any other Infrastructure contemplated by the Site Plan.

<u>Parking Facilities</u> means any parking lots or fields, parking structures, parking decks, parking garages or other parking facilities as Landlord may construct or cause or allowed to be constructed pursuant to the Ground Lease.

<u>Premises</u> means the Property, together with all appurtenances thereto and all improvements now or hereafter located thereon.

<u>Property A</u> means the 37.06 acres leased to ASUF as shown on Section 1.2 Context Aerial and Subject Property; and is defined as the Property leased to ASUF pursuant to the Ground Lease.

<u>Property B-2 and B-1</u> means the two parcels totaling 5.16 acres retained by the City as shown on Section 1.2 Context Aerial and Subject Property, and is defined as <u>Excluded Parcels</u>, retained by City and not leased to ASUF in the Ground Lease. [This definition is not used anywhere in the document, although Property B-2 and B-2 are used. I recommend defining Property B-2 and Property B-1 instead.]

<u>Subject Property</u> means the 42.22 acres of land as shown on Section 1.2 Context Aerial and Subject Property; and is defined as the Real Property pursuant to the Ground Lease and as net lot area pursuant to City's zoning ordinance.

1.4 ZONING OF PROPERTY

The specific zoning district for the property described in case 26-ZN-2004 is Planned Community (PC) District as depicted on the Zoning Map set forth in Attachment B context aerial and Subject Property. This proposed zoning creates a PC district of uses and development standards designed to implement the purpose of case 26-ZN-2004 as described in the Section 1.1 Purpose. Attachment B is a map illustrating the PCD boundary and which uses the underlying zoning districts: I-1, C-O, and PRC as base zones.

2.0 DEVELOPMENT FRAMEWORK PLANS

The Development Framework Plans in Attachment C are intended to provide a general Development Plan for the property. Revisions to these plans shall meet the intent of the overall Development Plan as described in this rezoning to the satisfaction of the City Manager or designee.

(ATTACHMENT C)

- **C.1.NATURE OF DEVELOPMENT PROPOSED**
- **C.2 LAND USE PLAN**
- **C.3 OPEN SPACE PLAN**
- C.4 CONCEPTUAL LANDSCAPE SPACE PLANS
- **C.5 CIRCULATION DIAGRAM**
- **C.6 STREET SECTIONS**
- **C.7 GUIDING PRINCIPLES**

SECTION 3.0 MASTER PLANS REQUIREMENTS

MASTER PLANS & REPORTS

At the time of specific site plan submittals to the City for the first building(s), ASUF shall provide the master plans in section 3.0 Subsequent building(s) submittals, may require ASUF to modify any applicable master plan. These plans shall include all items outlined within sections 3.1, 3.2, 3.3, 3.4, and 3.5 for Properties A and B-2 B-1 to the satisfaction of the City Manager or designee. At the time of specific site plan submittals to the City for Property B-2, } the City shall provide the master plans in section 3.0. These plans shall include all items outlined within sections 3.1, 3.2, 3.3, 3.4, and 3.5 to the satisfaction of the City Manager or designee. Preliminary master plans shall be reviewed by staff for consistency with the Development Framework Plan prior to the submittal of the first building(s) to the Development Review Board. Final master plans approval is required prior to the issuance of building permits. Each master plan will identify the timing of and parties responsible for construction of all Infrastructure in accordance with the Ground Lease.

3.1 MASTER DESIGN CONCEPT PLAN

MASTER DESIGN CONCEPT PLAN. The Master Design Concept Plan shall incorporate the following:

- A. Perimeter Landscape Plan
- B. Roadway Plan
- C. Streetscape Plan
- D. Design Standards addressing the following:
- 1. Development through appropriate siting and orientation of buildings should consider major vistas.
- Streetscapes providing continuity among adjacent uses on the Subject Property through accessible design, use of cohesive landscaping, street furniture, public art and integrated Infrastructure elements.
- Development integrating with the surrounding pedestrian network and other alternative modes of transportation, including but not limited to bicycles and transit access.
- 4. Design elements reflecting a human scale.
- 5. Buildings designed to highlight important building volumes and features, such as building entries.
- 6. Interior spaces extended into the outdoors either physically or visually.
- 7. Materials, colors, and textures appropriate to the region.
- 8. Landscaping that complements the built environment and relate to the various uses and users.
- 9. Water features safely placed in locations with high pedestrian activity.
- Exterior building materials that are responsive to climate, adjacent context, site orientation and building usage, such as shade structures, deep roof overhangs and recessed windows.
- 11. Commercial and retail uses, if provided, along Scottsdale Road, McDowell Road and 74th Street will be located at grade level to allow pedestrian interface.

- MASTER WATER PLAN AND REPORT. The master water report and plan shall conform to the <u>Design Standards and Policies Manual</u> - Master Plan. In addition, the master water plan and report shall:
 - a. Include a complete description of requirements relating to water improvements phasing.
 - b. Discuss off-site Infrastructure requirements.
- 2. MASTER WATER PLAN AND REPORT APPROVAL. Before the improvement plan submittal, ASUF shall have obtained approval by the City Manager or designee of the master water plan and report.

3.4 MASTER WASTEWATER PLAN & REPORT

- 1. MASTER WASTEWATER PLAN AND REPORT. The master wastewater plan and report shall conform to the <u>Design Standards and Policies Manual</u> Master Plan. In addition, the master waste water plan and report shall:
 - a. Include a complete description of requirements for each building or group of buildings.
 - b. Demonstrate how all sewage generated on the Subject Property will drain to the sewer main in Miller Road.
- 2. MASTER WASTEWATER PLAN AND REPORT APPROVAL. Before the improvement plans submittal, ASUF shall have obtained approval by the City Manager or designee, of the master wastewater plan and report.

3.5 MASTER TRANSPORTATION PLAN

- 1. VEHICULAR CIRCULATION PLAN. The Vehicular Circulation Plan shall conform to the City's design procedures and criteria, as amended by General Development Framework Plan. The Vehicular Circulation Plan shall include at a minimum the following components:
 - **a.** Roadway plans showing proposed roadway network.
 - **b.** Traffic control analysis, including traffic signals, etc.
 - **c.** Plans for phasing the transportation improvements and plans for interim improvements necessary to accommodate the site development and ties into other planned construction improvements.
 - **d.** Proposed street cross-sections and associated design consistent with the approved roadway plan.
- 2. MASTER PARKING PLAN. A phased Parking Facilities plan shall be prepared for City Manager or designee approval. This plan shall indicate the location and number of all parking spaces with respect to each building(s) in the development. The plan shall also provide details regarding any proposed parking restrictions or validation programs, as

SECTION 4.0 DEVELOPMENT REQUIREMENTS

The PC dDistrict is intended to implement the purpose as stated in section 1.1 by adhering to a specific list of permitted uses and by conforming to certain amended development standards.

4.1 PERMITTED LAND USES.

Each building(s) of the development may include the Permitted Land Uses (Attachment D). Attachment D identifies general categories and permitted land uses; the zoning administrator may approve analogous uses which are comparable to the permitted uses by being similar in one or more important ways to the permitted land uses or by resembling the permitted land uses in one or more aspects.

4.2 CONFORMANCE TO PC DISTRICT DEVELOPMENT STANDARDS.

Development of the entire Premises on the Subject Property shall conform to the PC District Development Standards, as amended and shown on Attachment E. Development of each building(s) in relation to the PC District Development Standards, as amended and shown on Attachment E, is subject to the approval of the City Manager or designee.



SCOTTSDALE DEVELOPMENT REVIEW BOARD KIVA - CITY HALL 3939 N. DRINKWATER BOULEVARD JUNE 9, 2005 VERBATIM MINUTES

PRESENT: W.J. "Jim" Lane, Council Member

E.L. Cortez, Vice Chairman

David Barnett, Commission Member (departed at 3:33 p.m.)

Michael D'Andrea, Design Member Kevin O'Neill, Design Member Michael Schmitt, Design Member Jeremy A. Jones, Design Member

STAFF: Donna Bronski

Mac Cummins Tim Curtis Lusia Galav Richard Goecke Kurt Jones

Connie Padian
Sherry Scott
Bill Verschuren

Al Ward

Greg Williams

CALL TO ORDER

The regular meeting of the Scottsdale Development Review Board was called to order by Councilman Lane at 1:01 p.m.

OPENING STATEMENT

Councilman Lane read the opening statement that describes the role of the Development Review Board and the procedures used in conducting this meeting.

DEVELOPMENT REVIEW BOARD/VERBATIM MINUTES June 9, 2005 Page 2

ROLL CALL

A formal roll call confirmed members present as stated above.

MINUTES APPROVAL

May 19th, 2005 Minutes of the Development Review Board Study Session

VICE CHAIRMAN CORTEZ MOVED TO APPROVE THE MINUTES OF THE MAY 19TH STUDY SESSION, AS SUBMITTED. SECONDED BY COMMISSIONER BARNETT.

THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).

May 19th, 2005 Minutes of the Development Review Board Regular Session

COMMISSIONER BARNETT MOVED TO APPROVE THE MINUTES OF THE MAY 19TH REGULAR PUBLIC MEETING MINUTES. SECONDED BY VICE CHAIRMAN CORTEZ.

THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).

CONSENT AGENDA

VICE CHAIRMAN CORTEZ MOVED TO PULL CASE NUMBERS 5-DR-2003#5 (JUG 'N BARREL WINE STORE) AND 22-DR-2005 (ADVANCED HEALTH CARE) FROM THE CONSENT AGENDA. SECONDED BY COMMISSIONER BARNETT.

THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).

Scottstate Sevine Shops	<u>69-DR-1989 # 4</u>	Scottsdale Seville Shops
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Monument Signs Refurbishment

7001 N. Scottsdale Road 18001 North 94th Street

Vollmer & Associates, Architect/Designer

85-DR-2004 Verizon WCF - PHO Jomax

Wireless Communication Facility (WCF) & Equipment

26633 71st Place

Gammage & Burnham, Applicant

7-DR-2005 Bennett Residential/Office Building

Site & Plan Elevations 6921 E. 1st Street

Design Coalition, Architect/Designer

12-DR-2005 104th and Bell; Community Park and Building

Site Plan & Elevations

Thompson Peak Parkway & Bell Road

Douglas Fredrikson Architects, Architect/Designer

5-PP-2004

The Reserve Preliminary Plat

NEC 118th St & Via Dona

Land Development Services, Applicant

COMMISSIONER BARNETT MOVED FOR THE APPROVAL OF:

69-DR-1989#4 (THE SCOTTSDALE SEVILLE SHOPS MONUMENT SIGN REFURBISHMENT);

85-DR-2004 (VERIZON WCF - PHO JOMAX);

7-DR-2005 (BENNETT RESIDENTIAL/OFFICE BUILDING) WITH THE ADDITIONAL STIPULATION THAT THE SILVERWORK BE A NON-GLARE BRUSHED ALUMINUM;

12-DR-2005 (104TH AND BELL COMMUNITY PARK AND BUILDING);

5-PP-2004 (THE RESERVE).

SECONDED BY BOARD MEMBER D'ANDREA.

THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).

REGULAR AGENDA

26-ZN-2004

ASU-Scottsdale Center for New Technology & Innovation

Amended Development Standards SEC McDowell Road/Scottsdale Road

ED GAWF: "Thank you, Council member Lane. I'm Ed Gawf, Deputy City Manager for the City of Scottsdale and I'm going to make the introductory comments. We also have Tom Samuels from Higgins Development Partners who will represent the developer in this particular project. And then Kurt Jones, our current Planning Manager, will wrap up and really focus on the specific issues before the DRB this afternoon."

"This is a project that is the 42.2- acres that the City acquired in the old Los Arcos Shopping Center at Scottsdale Road and McDowell. And I'm going to make a few introductory comments, but primarily for the benefit of those watching and in the audience, because I have done, as you know, several study sessions with the DRB on both the big picture of the corridors of Scottsdale Road and McDowell, the south Scottsdale revitalization, as well as this specific project. But I think it's always good, as we look at the specific projects, to take a step back and look at the larger context in which we are dealing with."

"And as you know, one of our key objectives of the City Council and the community, is the revitalization of the southern part of our City. And especially the commercial corridor of Scottsdale Road and McDowell. And there are a variety of programs that are underway that I think are starting to have an affect on that revitalization. And one of the major ones is the rezoning before you this afternoon. And that is the 42-acres that was acquired by the City at Scottsdale Road and McDowell."

"The proposed zoning is planned community district and it's a zoning district that you basically create to reflect the vision and intent of this specific development proposal. And that's what we'll walk through with you this afternoon. It would replace the existing C-3 commercial zoning and the service commercial zoning districts that presently exist on the site."

"In doing this, as you, I'm sure, recall, in PCD or planned community districts, you have to have a base district or districts to draw from in creating a new PC District. In this case we've used PRC, the planned regional community district, CO, commercial office district and the industrial one districts."

"From a use standpoint, we've used all three districts. From a development standards standpoint, we've used the PRC District. As you can see on this diagram, of the 42-acres, approximately 37-acres has been leased for a long-term lease with ASU Foundation. And that is the main -- (Brian, if you can point out the ASU Foundation's lease holdings.)

"So 37 of the 42-acres are leased to ASU Foundation and it will be zoned PC. The remaining 5-acres have been retained by the City. That includes the 3 and 1/2-acre parcel that you see there, just east of 74th. And a 1.27 parcel that is somewhere in that 37-acres and that will be determined as we go forward in the site planning process."

"So the action before you this afternoon, and next week before the Planning Commission, and then the week after that before the City Council, is to zone this 42-acres as planned community district."

"Let me give you a little background on this. The mall was closed in 1999. It left a big hole in the City of Scottsdale; big figuratively and literally. If you go out and look at the site today, you'll see two or three very big holes there. But more important, in the physical configuration, it left a vacuum, if you will, in the southern part of the City. A vacuum that had been developing over some period of time. The Los Arcos Regional Mall, which was the first mall in the late 60's, but over the years competition had changed the role and the area that this regional mall would serve, and continued to limit that area. So it became a shadow of itself by the late 90's. So it's been vacant the last few years."

"August of last year the City purchased the 42-acres with the goal of revitalizing the southern part of the city, and again, I'd emphasize the point I made earlier: that this is a component, or part of, that revitalization. This, in an of itself, would not revitalize the southern part of the City. But this is part of a larger plan to do that. It also is intended to promote economic vitality and create an urban, mixed use, knowledge based center."

"In August of last year we not only acquired the site, we also entered into the lease with ASU Foundation. This is a 99-year lease with one extension of 99-years, so it's a 198-year time period. So we are partners for the long term."

"But we also started to clear the site and we've gone in, we've removed all of the concrete. We've removed the old Compass Bank building. We've graded the site and we've done some initial landscaping and we've maintained the site since then. And I've actually gotten quite a few comments from neighbors surrounding the site as well as residents in the southern part of the City that it looks the best it's looked in 10-15 years. But it doesn't look good enough and that's really the purpose of the PCD zoning that we're considering this afternoon."

DEVELOPMENT REVIEW BOARD/VERBATIM MINUTES June 9, 2005 Page 5

"As I said, 37-acres will become the ASU/Scottsdale Center for New Technology. And Mr. Samuels will discuss that in his vision for that, in a few minutes. And then the 5-acres retained by the City for future development."

"So let's talk about the purpose of the DRB review today. Your role in this is fairly narrow at this point. It will be broadened as we go further into this development. But at this point, your role is to look at the amended development standards that Kurt Jones will walk through with you, and make recommendations to the Planning Commission and the City Council."

"In the PC District regulations/development standards that we're going to present to you this afternoon, the majority of standards come from the planned regional center district. Almost all of them do. There are a couple that we've added; a couple that we've deleted and we'll explain each one to you. But it's basically a PRC District base for this."

"And again, the PC District requires that any modification amended development standards must be reviewed first by the DRB and that's what you're doing this afternoon. And you review and make a recommendation to the Planning Commission and City Council in this."

"One more. The site plan elevations, and this is really -- so the first four bullets are what you're doing today. Your future role though, is the most important. That is, before any development can occur on the site, they must -- the developer, Higgins Development Partners, must come back to you with specific site plans, elevations, landscaping. That, right now, is anticipated to be in the later part of August; going to City Council in September. So it's a very fast turnaround on this. But you will be involved the entire way with the details of this particular proposal."

"In addition to looking at this in the last couple of months with ASU/Foundation and Higgins Plaza Development Team, we really started this last August. The City Council initiated the PCD zoning last August. And after that, the City Council created a citizens committee. It was called the Ad-Hoc Citizens Advisory Working Group Committee. It sounds like a government committee, but it was a good citizen's based committee."

"Eleven members from the community were appointed to this committee. And after two and a-half months of very intensive public outreach and work on their part, they met every Thursday for just about three months, they developed a document that you've received called the "Working Group Report". In that report you will see six guiding principles that they felt that any development on the site should adhere to. And these are the principles. I won't read them for you. The Developer will go through each principal and explain to you how he believes that he's met these principles. But these are sort of our guiding principals, if you will, our base in reviewing any development on this particular site."

"So, with that, let me turn it over to Tom Samuels from Higgins Development Partners and he will walk through and explain his vision and their vision, Higgins Plaza Development Team. And how they see the site developing."

TOM SAMUELS: "Thank you very much. I'm Tom Samuels and I am the partner in charge of this project at Higgins Development Partners. I would just like to take just a few minutes and introduce myself, but also tell you that we came to this project as a very balanced team. We are partners in this project with the Plaza Companies, which is a strong local developer that we have an existing business relationship with. We have a wonderful nationally known architecture firm, Pei, Cobb, Freed, but they too are teamed up with DMJM, which is, as you probably know, a very strong, locally based architectural and engineering firm. And we have a strong national real

estate brokerage: CB Richard Ellis, which also has a very strong local presence. And finally, of course, Sundt Construction, which has a strong local presence here. And our idea really was to come to this project balancing national, world-class experience with really strong local participation and local expertise. And that's the team that we're bringing to the project."

"I, myself, am a real estate developer, but the vision for this project was molded in large part by a conversation and a series of conversations with Pei, Cobb, Freed; with Harry Cobb. I, in the good old days, was an architect. I still consider myself an architect and in-fact, I'm a fellow in the AIA; one of the few real estate developers they've let sneak into the tent. So I do have a commitment to quality development and quality design. And hopefully that will come through in this presentation."

"First of all, let me tell you what our project vision is. I won't read all of the bullet points that you see on the screen in front of you, but basically we believe that teaming up with ASU, the ASU Foundation and the private sector, that we will be able to develop a technology, knowledge based business park that attracts people from the region and from outside of the region, and leverages ASU's research capabilities in a way that makes this a very, very strong magnet. Doing that, obviously we want to stimulate the economy. We want to brand this city, Scottsdale, along with ASU in the region, as leaders. We need to do that to make this work. And all of the other things that you see up there are really the underlying fundamental goals of this development. There was a lot of thinking that came to this. And I want to run through it real quickly here."

"When we looked at the site, we realized that this site wanted to be connected and it wanted to try to connect Scottsdale Road with the wash. And that we wanted to have a very vital, populated boulevard that would help that east/west connection happen. And the idea of a signature (can you just advance the slide there) a signature, if you will, boulevard or street that was punctuated by open spaces; public open spaces."

"Very early in this process it was said that if this project was going to be successful, it would be a place where a person would feel comfortable walking a baby carriage up and down in the middle of the day and perhaps having a cup of coffee or enjoying themselves in a sidewalk cafe. And that is what our goal would be. This east/west boulevard, an emblematic, urban street, it says that up there, and as I go through this I'm going to talk about the circulation for the site, but the idea was to keep that street, that emblematic urban street fairly narrow; to have angled parking on it so people could drive in there and park, but co-exist with pedestrians and retail. And to create a shaded environment that people would feel comfortable in."

"(Can you go to the next one?) This meant developing an access and a circulation plan that supported that idea, so first we have the boulevard and the main access points into this boulevard. (And next.) We then said, at some point we're developing 1.2 million square feet of development; 135,000 square feet of retail on this site. And there will be upwards of 4,000 people coming to the site and parking. And we wanted to separate the access through new signalized access points that kept the lower volume and the higher volume pieces apart. (So, if you could go to the next one.) That meant creating a new east/west street along the south, and a new north/south street going to the site; mainly for vehicles. (To the next.) And then an internal circulation for pedestrians and interior circulation."

"(If you'd do to the next one.) So the areas that you see there circled in red are high volume areas where cars can get into the site without interacting the lower volume areas where pedestrians will be strolling and cars will be moving at a much lower rate. (Next, please.) And as you see, we've

established a 90-foot right-of-way for the cars. A 44-foot carriage way. These are just standards that have developed to try to keep this circulation system clean."

"(The next.) The next thing, and this was brought up and I'm going to address, by the way, the Working Group goals and objectives specifically because I think it's important that this development respond to that. But it was very clear from listening to what the public had to say, and in-fact, what our own sense of this development would be, that there had to be a pedestrian network. This had to be permeable and that pedestrians would have to have a variety of experiences within this development."

"I want to stress that the architecture and specific planning that the Development Review Board will be reviewing and approving on a step-by-step basis as we move forward, is not intended to be monolithic. This is intended to be specific buildings with specific character. Yes, tied together. And yes, an architectural whole, but not a monolithic, gigantic building that dominates the environment. (So, go to the next slide, please.) So here you see the idea. These are design guidelines. These are the ideas and concepts for penetrating through the development zones and creating different kinds of pedestrian experiences where people can get onto the site."

"(The next, please.) The next most important thing, and mostly I've been talking about the interior of the site here, is how people perceive the site from the outside. And we think that the perimeter landscaping and how we present ourselves to the public from the outside is really important in establishing the quality; the perceived quality of this development and in terms of how it impacts the public."

"And the various perimeters are really quite different. The 74th Street perimeter, for instance, as illustrated in these diagrams or photographs that you see, is a lower key. It has seating, it has places. The southern is, as well, where the McDowell perimeter and the Scottsdale perimeter are more formalized and more formally landscaped."

"So, I said that I wanted to talk about the guidelines. We tried very hard to take the Working Group's guidelines quite seriously and to heart. There are six of them. And let me go through them specifically."

"The first was to create a balance of land uses and relationships that interconnected to the surroundings. And as I said, we really believe that ultimately, in the long term, the long range plan for this community, if it is possible to connect through to the wash and to take the development site to the east, and we've been talking to some people about this, try to tie these things together, and balance our commercial development, the 135,000 square feet of retail that we're developing, with future additional retail and perhaps housing. That this is really the way to make this site and the general area around the site that Ed talked about, work."

"(So, the next slide.) Meaningful open space and public use. I'm going to show you some diagrams of open space, but our plan calls for a variety of open spaces. The linear boulevard open spaces. One and a quarter-acre plaza and other plazas and things like that."

"(The third.) I talked about mobility and interconnectivity and how we got people on to the site and how we separated pedestrians from higher volume cars. We think that's a really important part of this in response to these guiding principals."

"(The fourth, please.) When we first started this, we heard: Demonstrate Scottsdale's commitment to quality. And we've spent quite a lot of time with the City staff, with our

brokerage team, with our co-developer, talking about what quality levels need to be. And obviously to make this a landmark project, we intend for this to be class-A, office environment."

"(The next one.) Environmental sustainability. We have committed that this project will get a LEED certification or meet LEED certification standards. It's going to be one of the largest projects in the country to do that. We're confident that working with our contractor, with Sundt, with DMJM and with Pei, Cobb, Freed, we will indeed be able to achieve that commitment."

"(And the last.) Social and economic vitality. Well, we want, ultimately for this to be a 24-hour, 7-day a week environment. We want to bring the kinds of retail uses to this boulevard. We want to be surrounded by the kind of uses that do that. And we're going to work real hard to get the right kind of tenants that are knowledge based, 24-hour workers, that will support that kind of environment."

"(If you'll go to the next slide after this.) There has been a lot of talk about how much would get built on this site and how much open space there would be. And the dark blue area that you see illustrated on this site represents the total allowable built area, if we were to simply build four-story buildings. And so as you see, a huge amount ultimately of this site, it obviously won't get built this way, but a huge amount of this site will be open space. And as you begin to review our site plans and our building plans, and work with us on this, I believe, and I was saying this to the City staff, to Ed today, that the figuring out where the best place, the way that open space wants to work, is going to be as important as figuring out the way the buildings will work. So, we've done six just illustrative plans."

"I'm not sure you'll be able to see big differences in this, but I just want to give you an idea of the kinds of site plans that you might be seeing. So, here you see the framework plan on the left and a site plan on the right. That shows one way that 1.2 million square feet could be developed. The gray being parking structures. And the green being open space."

"(Go to the next.) This is another development scheme where we've done three and four-story buildings and you still see that there's really quite a lot of open space on this site. If you go to the next one, just another example. This one begins to develop a central square along the boulevard. That's a possibility; along with an open space at the end. (Go to the next one.) This is a very interesting idea. This is concentrating development along the boulevard. We believe, and our architects believe, that having anchors at the Scottsdale entrance and at the 74th Street end of this boulevard, to anchor this development, to draw people back and forth, is going to be a really important part. But also events that are pedestrian friendly; fountains and things like that, that are along the way. (Let's see, do we have one more of these?) This is just another example of the kinds of site plans that we've been working on. So I think that's it for that."

"Now, we are committed to being back to you in August or September. I'm not quite sure what the dates are with our overall approach to this with a real site plan and real buildings for Phase I. It is our intention to be under construction here, assuming that we get all of the required approvals that are necessary to be under construction with the infrastructure, working with the City with the infrastructure, at the end of this year. And beginning construction for the first phase of construction, which is about 260,000 square feet, early in the first quarter of next year."

"So we've had a great working relationship with the City so far. This is what we're here to ask for. And I would be more than happy to answer any questions you might have."

BOARD MEMBER D'ANDREA: "Mr. Samuels, I just want to start out by saying, you know, I really appreciate everything you guys have done in terms of studying the site. I have a couple of questions, and I'm just going to throw it out and you know, excuse me if I'm not understanding this right, but the PC zoning, it's my understanding there is a 25-acre minimum restriction on what you can zone PC, which would tell me that -- how do the two parcels, the smaller parcels, how are they able to be zoned as a PC Zoning?"

KURT JONES: "Councilman Lane and Board Member D'Andrea, in the redevelopment districts in the City you can have a minimum of 10-acres. But when you look at this entirety it's one district; several parcels within. So we're rezoning all of those parcels as a part of the PC District and not just individuals. It's going to be one district in the end."

BOARD MEMBER D'ANDREA: "Okay, that was my question. So the ownership on the -- I guess the whole question is concerning what you can do on the smaller parcels and we wouldn't want to limit that by going to a PC District. Does that make sense?"

KURT JONES: "Yes. All of the parcels will be restricted to development standards the City Council ends up approving, that I'll go through in my presentation, so they'll be applicable throughout the entire District."

BOARD MEMBER D'ANDREA: "Okay. Kind of where I'm going with that is, you know, you mentioned a lot about open space community/pedestrian networks. My personal opinion is that residential units, actually people living on the site, would be very beneficial. Is that part of the overall plan? Because what I'm hearing and what I'm reading in the document, I see it as big box retail, class-A office space, ASU campus and I have seen nothing, or heard anything, about any plan for multi-housing. Can you respond to that?

TOM SAMUELS: "I certainly can. I'll get to the residential in one moment. Big box retail is not envisioned on this site. There's 135,000 square feet of retail. This retail is going to be basically service oriented retail that supports the neighbors and supports, primarily, the 1.2 million square feet of development; the 4,000 people that will be there. The concept of building residential; we support this. The primary function on this site is to develop office and to develop retail. The community around this site will vote with its feet. We believe, and what we see out there, is that people are talking about doing more development, more residential development outside and there may be an opportunity to bring some of that on the site. It is not part of the economics of the plan but we're definitely not ruling it out. And we would agree with your premise, that ultimately, if you can do it, if the market will support it and you can get the right kind of housing there, it's a great idea."

BOARD MEMBER D'ANDREA: "But are we limiting though the capability to do that by the development standards? For example, floor area ratio, the parking requirement would not be sufficient for a residential project."

TOM SAMUELS: "No, the simple answer to that is that we've worked with the staff and there's nothing to prohibit it."

KURT JONES: "Commissioner Lane and Board Member D'Andrea, with regards to the District and the way the zoning ordinance reads, and as you saw, Tom laid out several development plans that could develop. And there were lots of open space within there that doesn't get developed on. You have to remember, with the zoning ordinance, the way it reads is the residential units don't equal out to the FAR. They're a separate ratio. It's a density issue and not an intensity of issue.

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So the 1.2 million is 1.2 million of non-residential. So the spaces left over could potentially be that residential space."

BOARD MEMEBER D'ANDREA: "Yeah, and I apologize again. You know, my personal feeling is that it would be great to have it in the long term. I just want to make sure -- this is a monumental project -- that we ask the right questions and understand. So thank you."

ED GAWF: "And if I could add, Board Member, that the PCD zoning district does allow residential. And actually the five acres retained by the City, could be residential as well. We're not sure what it will be, but it could be. Clearly the Working Group felt that a mixed-use development in the area, and that's why I showed the corridor plan, in that area, having residential as well as employment as well as retail, was very important. And one of the findings we had as part of our research with the Working Group is that the area is over zoned for commercial. So some of the commercially zoned properties, I would anticipate over the next five to ten years, would go residential in that area."

BOARD MEMBER D'ANDREA: "Thanks."

ED GAWF: "And Kurt Jones does have a third part of our presentation, if you're ready for that."

COMMISSIONER BARNETT: "Actually, I have a question for Mr. Samuels. Thanks for coming out today. I appreciate everything you've done. As you're aware, the PC is a really flexible district and gives you a lot of options. Today you're just basically coming out and asking for four things which is a variance of the floor area ratio, clarification of open space, variance on the parking calculations and the building step-back requirements. To me, it doesn't seem like you're asking for a whole lot; I mean, you're just asking for some clarification/minor modifications. Is there any thing else that you need to allow the maximum flexibility to go forward so when you're talking about residential and you're talking about commercial and you're talking about some of the other things, that we can offer you some other tools that you can use?"

TOM SAMUELS: "We have had a very productive dialogue with the City. And I can assure you that as developers, we have a fiduciary responsibility to our partners, the ASU Foundation, to make this be a commercial success. And in a way, to our partners in the City. I mean the City has made a huge investment on this. So we believe that ultimately this has to be commercially viable. And we pushed, we did, to get standards which we think will result in a commercially viable development. So, my simple answer to you is, I think that we've got a good balance here. It is difficult to anticipate, once we get into this, the kinds of things that may happen, but I would like to say I think we have a good balanced proposal in front of you and that it can be commercially viable the way it is."

COMMISSIONER BARNETT: "So you think you have the tools and there's nothing else that we really need to do to give you more flexibility. You think there's enough constraints as well as enough flexibility for moving forward at this time?"

TOM SAMUELS: "No, I don't and I will say one thing. Flexibility is a two-way street. I just came from a lengthy meeting with our brokers, CB. And one of the things that they've said to us is that in this community we have to establish a framework that people can see and people can believe, or we're not going to get tenants. And so this framework, this main boulevard, the perimeter planting, the north/south street, the creation of these development blocks, is essential to convincing people that this is a real development. Yes, it limits your flexibility to a degree, but it

also tells people what they're going to get. And it tells the City what they're going to get. So I, again, I think this is a good balance."

BOARD MEMBER JONES: "I think your presentation shows, through your studies, that these standards you're asking for do facilitate a project that could work in a number of different ways, but I have one question about what you described as anchors at the end of the central street. And you pointed to the one on the west end, which I've heard described as a signature piece of architecture, but it's primarily for technological exchange, things like that. That's not what I would normally think of as an anchor along a retail street. Is there another kind of retail anchor to energize that street or did I miss something?"

TOM SAMUELS: "No, you did not miss something. The fact is that 135,000 feet of retail will not fill up that entire street. There's not enough retail to do that. And so the first floor, all along that boulevard, is going to be a mix of uses. It's going to be retail, primarily, and it's going to be lobby's and things like that that are active. But there could be institutional uses there. There could be other service uses there that are consistent with the zoning. This idea of this building, this so-called institute, was part of the thinking that we want to have the whole site identified as this technological knowledge based, you know, the knowledge workers, the innovation and that kind of thing. And it was, and ASU was very supportive of that, and in-fact, as it stands now, ASU would be the tenant of that, what is not thought to be 40,000 square foot building. We believe that over time we're going to take other major tenants and get them to do things that are publicly oriented, in that building. That's our hope, so that it isn't a private -- doesn't feel private, it feels public and that's why it's an anchor."

BOARD MEMBER JONES: "So in a sense, this is the philosophical anchor for the whole project, rather than what we'd think of as a retail anchor activating the street?"

TOM SAMUELS: "Right. I don't want to wax too philosophical about this because my partners, who are interested in charging rent and making money, sometimes think that these philosophical ideas are difficult to make sense. So we're working on it to make sense out it."

BOARD MEMBER SCHMITT: "Because I wasn't part of the visioning process and the things that led up to your planning for this site, could you enlighten me and the rest of us just a little bit, with respect to how we came up with urban as sort of a describer, describing adjective I guess, for this piece of property? And how, you know, what I guess I consider to be more of a suburban kind of an area of Scottsdale, in a sense, with the residential around it. How is this an urban site?"

TOM SAMUELS: "A more proper term, if we can delve into philosophy, would be this is a new urbanism. This is not really suburban in that sense. The suburban concept is parking on grade, large areas on on-grade parking; buildings that are far apart from each other; every thing by the car. And that's the kind of environment that a suburban business park would be. The idea that this term urban that's being used, or I think more properly new urbanism, says that the people that we are building these buildings for -- we're not building these buildings for Ed or for me or even for you guys. We're building these buildings for our kids, literally. And they have a different way of working and a different way of studying. I mean my kids -- I'm sure you know what I mean. There's an evolution of the type of worker in the future in the United States and they want to be able to walk out of a building and go next door to a Starbucks. That's what they want. Whether it's in a suburban setting or it's in an urban setting."

"And so this idea that we have enough site, this acreage has enough site to create that kind of environment. And if you do, you will attract that kind of tenant. And so the City, in a way, has made an investment -- is making an investment, now they're going to get paid back their investment, I have to say. But they've made an investment and the idea of building parking garages is part of this. Because if you just covered the site with on-grade parking, even if it was landscaped, the buildings would be far apart. People would walk from their cars to their building and that's the kind of environment it would be. It wouldn't attract, in our view, it would not attract and in the City's view and ASU's view it would not attract the kind of tenants that we want to go out and compete for. And so if I -- does that answer your question?"

BOARD MEMBER SCHMITT: "That answers my question, actually very well, I think. I do have a couple of other questions, and one you kind of led me into so I'll just go to it next. You talked about parking a little bit. And the concepts that you've put up basically focus the parking to structures on the interior of the site. And in the presentation I had earlier in the week, or late last week I guess, whenever that was. I've lost track of time. We talked about that boulevard that runs east/west through the site as being something like Kierland. Everybody wants to be like Kierland these days and so this one as well. And I visit that center from time-to-time and like everybody says, you're sort of romanced by the idea of driving down the boulevard and hoping you're going to find a parking space there. You never do. So you find yourself in the parking structure. And when I think of this boulevard and the way it was described to me the other day, it's a pedestrian kind of space. Yet, it seems that we're placing those structures in the center of where we're going to draw pretty much all of the cars right down through the middle of it. And I don't see how that works."

TOM SAMUELS: "The parking garages are really, for a person who knew that they were looking for a parking space, nobody's driving down that boulevard. It's a narrow street. It's got parking on it. The first time you amble down that space, you will -- if your main objective is to go to the parking lots, you won't do it again. We have new signalized intersections and direct access into these parking spaces from the perimeter."

BOARD MEMBER SCHMITT: "Could you describe, even just on the diagram here for instance, where would the primary access to those parking structures be for a person who comes through everyday and understands how to use the traffic pattern in the center?"

TOM SAMUELS: "(Keep going through this -- stop. That's fine.) If I can just point -- That road is wider and it has a stoplight on McDowell. This road is wider and it has a stoplight right here on Scottsdale. So a person going to one of these parking lots, the quickest and most controlled way of getting into those parking lots is going to be on the (indiscernible) that has signal that accesses the property or on McDowell; at a signalized intersection. A person who is going down this boulevard, now just as you say, looking for a parking space and not finding one, can in fact be diverted off to the parking spots, but that's going to be insider choice."

BOARD MEMBER SCHMITT: "And then I guess that makes sense to me. The only thing I would maybe suggest as you go forward with developing the design is if you can do something at sort of the intersection of your boulevard, in the north/south section of that, that would even maybe, whether it be a traffic circle or something that really kind of discourages people from wanting to drive through and deal with that might be -- "

TOM SAMUELS: "And that is our intention."

BOARD MEMBER SCHMITT: "And then just a technical question. I know that's not what we're here for today, but let me just throw it out. You talked about the signalized intersection at McDowell Road. It seems like it's closer to the intersection of Scottsdale and McDowell then typically you can find another signalized intersection."

TOM SAMUELS: "We had our traffic engineers look at that in terms of stopping distance, in terms of stacking and all of that. And so far, we are told there is no problem with that."

BOARD MEMBER SCHMITT: "Okay, and just one final question. Back to a question that Board Member Jones asked about a little bit and you mentioned the anchors. And I think you very adequately described what you might envision out on Scottsdale Road, but at the other end, I had a little trouble envisioning what would anchor, what would really serve as an anchor at such an interior low visibility portion of the site?"

TOM SAMUELS: "Well, a considerable amount of conversation between Harry Cobb and me occurred about that topic. And about how that boulevard would look. And the concept is, in that drawing that you see there, if you go down to the end, right to the southwest corner, you notice there is an open space there?"

BOARD MEMBER SCHMITT: "Right."

TOM SAMUELS: "The concept is that we would do a fountain or we would do something at that end that was of a public nature, that would tend to draw people back and forth; visually and from an event standpoint."

BOARD MEMBER SCHMITT: "I'm thinking about at the far east end of the east/west boulevard, down toward the City of Scottsdale parcel, right there."

TOM SAMUELS: "That's what I'm talking about."

BOARD MEMBER SCHMITT: "Oh, okay. All right. I was following the wrong arrow or dot on the screen."

TOM SAMUELS: "I will tell you, because it was a matter of kind of public information that we had actually proposed the fountain across the street on the City land, but Ed talked us out of it."

BOARD MEMBER SCHMITT: "Okay. Great. That answers my questions for now. Thank you."

TOM SAMUELS: "Thank you."

COUNCILMAN LANE: "I'd like to just remind the Board Members here that we want to try to confine our questions to the item of the planned development community zoning, rather than get into the details of the site plan and that."

TOM SAMUELS: "Again, thank you so much."

KURT JONES: "I just have to end off on the most riveting part of this discussion, which is the amended development standards and it's really the reason why we're here in front of you this evening. And I'm just going to run through them real quickly. And if we have questions at the end we can run through those."

"But in order to get to this framework that Tom and Ed had talked about and then shown on the site plan here, we need to amend some of the development standards. And first of all, let me just tell you about the land uses that we -- and some of this is repetitive, but again, we drew from three zoning districts and as Ed had said, they come from the PRC District, the CO District and the I-1 District. And then these uses provide for the flexibility to accommodate the essential mixed use center that Tom had talked about."

"(Next slide, please.) So the development standards are drawn from three Districts but we're going to use just the one district, which is the PRC, the planned regional center district for all of our standards and we're going to basically not apply the CO and I-1 Districts. These standards from the PR District most closely reflect the vision of the Center and creates that mixed-use center that was discussed by Tom and also it furthers the Working Group's efforts and their guidelines."

"(Next.) And again, like I said, the CO and I-1 are not applicable in this case. So the vital development standards you'll see are the ones on page 3 of your booklet. Those are the ones that the Council will end up approving and be the development standards that are applicable to the entire PC District that you saw on the zoning map."

"(Next slide.) So I'm just going to sort of summarize what that means; what that chart means. What we're going to do is create 60-foot high buildings throughout the site. At lower heights there's stipulations as you get closer to the residential district. The floor area ratio is .8. Again, the 60-feet and the .8 are directly out of the lease. The 60 feet from the lease was established from the old Broadway building that was there so that site has seen a 60-foot building before and this is not new."

"(Next) The open space development standards that are created through these amendment processes and the stipulations that will be attached to the Planning Commission and City Council report will create 30-foot wide pedestrian landscaped areas along the main roads. They'll create that east/west pedestrian spine, that boulevard through the site. And again, there's those city open space parcels that are throughout the site that also get implemented. The building step-backs; that's one of the issues I'm going to talk about with regards to the amended standards, and the stipulations address some of the locations of where 60-foot buildings can go."

"And then final, is the parking space calculation. Again, that 135,000 square foot of retail/restaurant that is allowed on the site, typically it gets counted at a different ratio than the 300, but because we have a mixed-use center and a mixed-use parking ability to calculate and that way they're asking for a straight 1 to 300 parking calculation. And again, that will be dispersed throughout the site with structured parking and then on-street parking throughout the main spines."

"(Next.) So again, the four key development standards you're looking at today that you're passing on a recommendation to the Planning Commission and City Council are floor area ratio, the open space, the parking cales and the building step-backs. (Next.) With regards to floor area, the .8 excludes limitations. In the PRC District, if you look at that attachment number 1, it has a provision on there that only a percentage of office can be in non-residential buildings and only a percent of commercial can be in non-residential buildings. And we wanted to delete that language and allow the .8 to be dispersed everywhere and allow the market to dictate where the retail goes. And since this is primarily a research and development and office type of development, those standards wouldn't really reflect what they're trying to do on this site."

"(Next.) The open space has some interesting calculations in PRC. A lot of it is based on the heighth of the buildings and the higher you go the more open space that is required. But the key to the development standards and open space says not to exceed 20 percent. Well we erased some of the language just to make sure that there's a minimum of 20 percent on the site and it is dispersed as stipulated with these areas along the roadways, along the boulevard, between the structured parking and the buildings, and some of these public plaza spaces that the City will incorporate and the Applicant will incorporate."

"(Next slide.) Now the building step-back provision is actually in the front-yard provision of PRC and it really speaks to as you put that building that is 60-feet high along a street, you step it back. And what we're doing is we're accommodating that. And by deleting that we're accommodating to the stipulation package that a percentage of that framework plan, you can put along the street, but not an entire quadrant be 60-foot buildings all along those main streets. So our stipulations are going to cover where that goes."

"The slide, the picture on the left here shows you a typical step-back. But what we're trying to do is if you go to the right here, we're going to put these landscape buffers and widths there so when you do get to the pictures below, you create a buffer between those really 60-foot masses."

"(Next slide.) And then the parking I explained. There's a provision in our ordinance that you calculate structures in a floor area and a volume ratio area, but since because their long term intent when this thing builds out that these structures will be behind the streets, behind the buildings, screened from view and only if you're looking for them or directed to them, you'll see them and get to them, that we don't calculate them in a volume ratio, because they are screened. And we don't calculate them from a floor area ratio standpoint because the framework plan establishes them that they are going to be screened."

"(Next slide.) I just want to really close again on process and timelines. The DRB again is looking at that today. Next week is the Planning Commission meeting. And the following week is the City Council meeting. They will be approving not only the amended standards that you're recommending on today, but the zoning from the C-3 and CS to the PC District, with these amended development standards."

"Then again, as was stated by Ed and Tom, you'll be seeing everything. Phase 1 comes in a few months and you'll be able to get into the nitty gritty of the elevations, the site planning, the landscaping and the pedestrian areas. And then finally, the goal here is to commence that Phase I construction the beginning of next year and then completion late next year or the following year."

"And then finally, (last slide), again your task today is to forward a motion on the amended standards that I just went through to the Planning Commission and then on to the City Council. And staff feels that they create a PC District that implements the vision that was outlined to you by Ed and Tom and then also that they implement -- that that advisory group that the Council appointed to setup the framework for this site and create a mixed-use center in Scottsdale's revitalization area at a key intersection of it. Any questions? I'd be happy to answer them."

BOARD MEMBER JONES: "Well, first of all, I think this is a very well thought out project and I'm sure we all feel very favorably about it. But just for clarity, you mentioned that the parking garages would not be considered in the volume ratio because they are screened. That seems like a little more allowance than we often give; probably a good idea anyway. But I think it's actually very clear that about half of the faces of the buildings, the back windows if you want

to call them that, will be looking at the parking garages. So, I would just be aware that we're going to be very concerned about the design of those parking garages."

KURT JONES: "Councilman Lane and Board Member Jones, very good question. And we are too. I think that Tom's slides show that their intent is not to put up just your standard parking structure. They are going to be 360 designed office buildings so someone that does have an office or a retail space or a residential space that looks out onto these structures, design issues will be looked at every time one of those structures come through. And there's also an open space component between the structures and the buildings so that that has to be designed along with the structure."

BOARD MEMBER JONES: "And I think this is all quite possible to work very well. And I think your standards look just fine."

BOARD MEMBER D'ANDREA: "Just a quick question. And maybe you could sum it up for me. Is the 1 to 300 square foot parking count going to result in an over or under parked situation based on the usage?"

ED GAWF: "I think it's going to result in a correctly parked situation. But let me explain that. Retail is 1 to 250. Office is 1 to 300. And so since retail was such a small component of this and we are requiring them to have a transportation demand management program -- how they're going to use things other than the car to get to work -- we felt that 1 to 300 was a good solid standard. My guess is, they're going to find it less than what they really need. That meets our City code. I think they may end up providing more parking than that."

BOARD MEMBER D'ANDREA: "I agree with you. So I guess my point is if we're going to come to a resolution on what is right for parking, shouldn't it, in worse case, be an over parked condition, not an under parked condition? In other words, why require 1 to 300 and we think we're going to get it right. Why wouldn't we change that to make sure that based on the usage that we won't -- because I can't find a spot at a highly, what's the word, but if the office building is leased out for tenants, anywhere along the 101, any class-A office, it's hard to find a parking spot based on those counts."

ED GAWF: "And what I would recommend that we do and I prefer doing is, have our minimum standards being 1 to 300 and let the marketplace then dictate if it's more. Because if they don't need more I don't want them to build parking that is not used."

BOARD MEMBER D'ANDREA: "But aren't we giving them a minimum standard by approving this today of 1 to 300?"

ED GAWF: "That's correct."

BOARD MEMBER D'ANDREA: "So they would never have to adjust it based on the use. Is that correct?"

ED GAWF: "That's correct. But my comment though was that as they decide their parking need from a market standpoint, if they need to adjust it upward as far as number, that's fine. But the worst case is that we select a higher number, let's say we require more than 1 to 300, and it turns out they're not needed. That is the worst possible situation in my mind, because then we're wasting resources, in affect."

BOARD MEMBER D'ANDREA: "Okay."

ED GAWF: "So I'd rather go with the minimum, let the market place determine if there needs to be more."

BOARD MEMBER D'ANDREA: "Thanks."

BOARD MEMBER O'NEILL: "Kurt, could you go back to the step-back slide? Yeah, right there. I didn't follow your explanation there. What I thought you said was that the upper left hand portion is showing the typical and that you guys are proposing something other than that."

KURT JONES: "And I kind of did breeze through this and I apologize, Board Member O'Neill. And what I wanted to explain is this graphic here kind of -- it's very rudimentary, but it shows what a 36-foot building would look like and then the step-back as you go from -- it doesn't accurately depict what it is, it just accurately depicts a step-back. What we're doing by eliminating that provision or amending that provision, you're allowing to do something more over here with a 60-foot high straight building face; obviously that building face has to be approved by this Board, but allowing that to occur."

"And let me just read you the draft stipulation as it reads and it basically states that along Scottsdale Road and McDowell Road, 74th Street, at least 25 percent of the linear frontage not reaching the maximum of 60-feet in heighth and then they're going to create a massing and envelope plan that talks about that. And then that plan itself, where that 60-feet occurs, the way the stipulation is currently written, comes back to you."

"So I'm giving the flexibility that they can put a 60-foot high building somewhere along those boulevards, along the street. We've got stipulations that cover that there's going to be a 30-foot set-back for that building. Within that set-back the stipulations read: double row of tree canopies, large sidewalk, and building extensions to create a pedestrian atmosphere. But what the stip is doing is saying not every building that wants to be 60-feet has to be set-back per the way the plan regional center district reads. And all we're doing is just erasing it, but we're covering that 60-foot high building in a stipulation that allows that location to come back to you for review. That's all."

BOARD MEMBER O'NEILL: "I appreciate that and I appreciate your ability to say that's all, but I don't know if I quite understood everything you said."

ED GAWF: "Let me see if I can simplify it. The PRC requirement, planned regional center requirement, is you can go up to 36-feet without stepping the building back. Above 36-feet, for every foot of additional heighth you have to step it back two feet. So 2 to 1. What we're doing is deleting that and leaving the flexibility and the decision to the DRB at time of development. So you'll see individual buildings and decide whatever standard is the right one. And again, the idea was to allow -- I know that a 2 to 1 step-back above 36-feet does not guarantee good design. And the intent is to get good design. Whatever they propose, they'll bring it to you and have to justify that. So we still have control, we're just not making it mandatory that it steps back 2 to 1 above 36-feet. That's what we're doing."

BOARD MEMBER O'NEILL: "All right. I can appreciate that from a design perspective. My personal opinion is though that we -- I'm not necessarily comfortable at the moment giving them that flexibility if, in my personal eyes, I know that I would not approve something like that. You know, if they come back to me -- in my opinion, if they were in front of me saying this is what we

propose and I know today that I don't think that's the correct approach, I would rather them have the correct guidelines to be working with when they're in the design process as opposed to let them go through the design process and then come back and say well, we were allowed to do this within the standards and say well, the standards shouldn't have allowed you to do that. Go back and redesign. "

ED GAWF: "And Board Member O'Neill, I think that's right. If everyone believes that the 2 to 1 step-back cannot be modified, should not be modified, then you probably should say it today. I think very strongly that we're limiting ourselves with that. I think it's an artificial sort of limitation and our limitation really should be: we're going to look at the individual buildings and either they are good individual buildings or they are not good individual buildings."

JOHN BERRY: "Councilman Lane, Board Member O'Neill, for your record, John Berry, 6750 East Camelback in Scottsdale. And I couldn't let a whole hearing go by without moving to the microphone. I am here on behalf of Higgins Plaza Development and just to address specifically, that issue. Imagine, if you can, how you would describe to Frank Gary, how to apply this standard to one of his buildings. Extremely difficult. Try and explain to a David Hovey how these constraints might involve better design for a building. ASU and my clients are designing a project for the ages. They are designing a project that is generational in its scope. As a result of that, their intent is to not build a monolithic IBM corporate campus where all of the architecture and the design is the same. In-fact, what they hope to do is to have a campus that is the anti IBM monolithic campus."

"So what they're hoping is that there will be a series of iconic buildings with different, well-known, internationally renowned architects, including a great deal of input from the ASU School of Architecture, on these buildings. And when they come back with these buildings, I've sat in meetings where my clients and the Foundation have said, we really want to challenge the Development Review Board and this community to look at some architecture and some buildings that do not include stucco and red tile roofs. And that do not necessarily bend or conform to a zoning code which is, in some instances 30-years old, with development standards that are designed for these corporate campuses."

"Commissioner Barnett asked the question: What do you need to make this a project that the community will see and embrace and that we can be assured will be something that will be important and an important legacy for our community. And these amended standards, these four of them that we've articulated, are in-fact what we need. We would humbly and respectfully ask that you give us the flexibility, engage in a bit of the 'trust us' factor. You don't have to quote Ronald Regan "trust but verify". You're not giving us a carte blanc here. We have to come back to this very same Board in order to ensure that these buildings meet what the community wants. So we would respectfully request that you give us the flexibility with these standards, to move forward. Thank you."

BOARD MEMBER O'NEILL: "I agree that the 2 to 1 kind of step-back is dated and those types of things. I'm not necessarily saying that that's what I prefer and definitely do trust the cast of characters that are involved in this process. And all of them; I mean the whole list of them. It will be an incredible project. I'm confident of that. I'm personally invested in that area of town because of this project. And know that will be there. I just, at the moment, and appreciate the Gary references and other things with regard to how you could apply something to this. On that issue I can step aside for a second. However, you just raised a question -- or raised an issue that just is a simple question for me. Is the architect on the project Pei, Cobb, Freed? Or is it going to be an array of different architects like you have indicated?"

ED GAWF: "I'm going to let Mr. Samuels answer that. But let me finish up on the previous point that: remember the 'what if' diagrams that Mr. Samuels showed? It's not going to be all four-story built. It's not going to be 60-feet. It can't be, just given the FAR on this site. It's going to be actually one-story, in some cases along the Ramla perhaps, 2-story, 3 and 4-story. So there's going to be a variety of heights just because of the limitation that they are."

"The one area that we were concerned about ensuring there was a step-back was the southern border next to the residential. In-fact there's a greater set-back I think than even the Working Group recommended. But that's where we insisted on a sort of step-back was next to the residential. So, we feel very comfortable, staff, that given the other development standards and given the fact that the Development Review Board is going to review every building, that there will be variation in building, but it will have an architectural base rather than just a regulatory base. That's the difference, I think. Then I'll let Mr. Samuels -- "

MR. SAMUELS: "I said that this was not going to be monolithic architecture, all the same cookie cutter buildings, and it's not. Pei, Cobb, Freed will serve as the master architect for the entire development. And with DMJM, will develop a set of design guidelines that we are required by the zoning ordinance to submit to you. The first phase of the work, which I said was about 260,000 square feet, Pei, Cobb, Freed and DMJM will be the architects. Subsequent to that we are going to look at each building and each development as it comes along and select the most appropriate architect."

"I do want to say one thing about your concern about the step-backs. I feel like I really do have to be -- one thing about our company is that we really believe in being straightforward about these things. We are going to be back in front of you. And you are going to be looking at these buildings and we do want to be on the same sheet of music with you. One of the other Board Members asked us: what do we need here? Well, one of the things that we really do need is the ability to do commercially viable office buildings that will compete in this market. And most likely, those buildings are going to have somewhat regularly shaped forms. And this step-back that we need to do is going to be achieved by stepping buildings back, not necessarily stepping the facade back and we're not allowed to take up the whole, you know, edge of a site, just as was pointed out. We can't build a monolithic wall. But we may need to build, to be competitive and to meet what our tenants are required, we may need to build buildings that don't have set-backs in it and if you ask us what we need, that's what we're going to need. Thank you."

JOHN BERRY: "Obviously Mr. Samuels is not a lawyer if he is encouraging straightforward and honest discussion. So I just want to note that he's not a lawyer, for the record."

BOARD MEMBER O'NEILL: "I still have one other two-parted question, which relates to -- and I believe I understand this; I just want to confirm it. None of the things that we're taking action on today, for example, would limit the -- we've been talking about certain square footages of commercial and certain square footages of retail. None of the action we are taking today, for example, sets in stone that the retail is limited to 135,000 square feet, for example. I mean that's just a number we've been using today, but nothing we're approving today kind of has anything --"

KURT JONES: "That's correct."

ED GAWF: "Because there's two parts to the answer. That is correct. Nothing in what you are looking at today limits the amount of retail that can go there. We do have a lease. The City of Scottsdale has a lease with ASUF that says 135,000 square feet of retail because we were not

doing this as a retail center, we were doing it as a research and innovation center. So the remainder of the 1.2 million needs to be research and innovation. So that is the limitation."

"Now, I also would anticipate that the crossings will develop as a mixed-use -- redevelop as a mixed use project, with both retail and probably residential, as part of that. But that's the way our lease reads with the Foundation."

BOARD MEMBER O'NEILL: "So the lease sets a limit of 135,000 square feet?"

ED GAWF: "That's correct. But the zoning ordinance that you're reviewing today in the standards do not limit the square footage for any of the parcels and the usage for any of the parcels."

BOARD MEMBER O'NEILL: "And then the lease also dictated a certain amount of office square footage or you refer to it -- "

ED GAWF: "Research and development facilities."

BOARD MEMBER O'NEILL: "Does the lease require a certain amount of residential square footage?"

ED GAWF: "No, it does not. And there's some even question on how the lease reflects or deals with the residential uses, because we wanted to make sure that ASU-Scottsdale didn't become dormitories, for example, using the extreme, for ASU. There's a big difference between that end, where it becomes dormitory, and where you do rental residential as part of it. And so we're still looking at that aspect of it. But the zoning code does allow residential and it does allow retail/office et cetera. So again, nothing that you're looking at today restricts the uses, other than what we're approving."

BOARD MEMBER O'NEILL: "Does the zoning trump the lease or does the lease trump the zoning?"

ED GAWF: "They are two separate documents. And if I don't state this correctly, I know the City attorney's office will correct me. But the lease stands by itself and we, as a document or a contract between the City of Scottsdale and the ASU Foundation. We must adhere both parties to that lease."

"In addition to that, in the City's role as regulatory agency, we are rezoning the property, which allows a variety of uses within it, if the leases ever could be modified in the future, just as the zoning could. So they are two separate kind of documents. We've worked hard to make sure there was no conflict between the two."

BOARD MEMBER O'NEILL: "Did the lease go through some type of similar approval process through City Council and all of those public hearings?"

ED GAWF: "Oh, yes. I think Council member Lane can remember it very well."

COUNCILMAN LANE: "If I might, Board Member O'Neill, we're getting a little bit far a field of this. I think what we're looking at here tonight is whether or not the PCD zoning will allow them to comply with the lease as well as anything else. So, I mean that's -- and that would be, as far as I'm concerned, the trump card in the lease. It's up to, right now, whether or not there is a

decision to approve these amended standards, as we've talked about. And that's really what I've tried to confine ourselves as far as that goes. If there aren't any other questions, I do have one card. Do you have a question? I'm sorry, okay, Board Member Schmitt?"

BOARD MEMBER SCHMITT: "Yeah, I just had basically a comment and it had to do with the volume ratio -- actually, the volume of the parking structures, not counting toward the volume. That is a significant concession, I think, in terms of amendments. And I think you properly justified that concession in your description of how you went about screening the garages and so forth. The thing that I would point out is that I think that sets a precedent and the ability to make that justification for other projects that come along. And I think maybe some of the danger in that is possibly that it doesn't discourage above ground parking, where many times, to get the volume ratio down so a project works, a developer will use underground parking and will do things to really minimize the impact of that. And if that concession is made here and then consequently in other areas of the City, will we see more above ground parking structures because they won't have to conform to that volume criteria?"

ED GAWF: "If I may, Council member Lane and Board Member Schmitt, it's an interesting question. In the downtown, we do not count volume as part of the floor area ratio -- or parking as part of the volume calculation. So in more urban areas, we don't do that. What I have found is almost the opposite and I think it is an issue that the Board should revisit. And that is, I think in effect we're encouraging surface parking, because that does not count as volume. And so it's not the option of going structured above ground or structure below, I think it's the option of going surface parking or structured parking because of the cost difference. And I think it's an issue that we as a staff and you as a Board should revisit and determine, because some of this has been sort of staff interpretation as well over the years. And we may be incentivizing some things that we're not clearly wanting to incentivize."

BOARD MEMBER SCHMITT: "Okay, well I think that was a great counterpoint you made to my point there, Ed. And I just want to be sure that, you know, the Planning Commission and the Council as well, consider that carefully because I think it's the most important part of this whole application here."

COUNCILMAN LANE: "Any other questions from the diose? We do have one card of an individual who like to speak toward the subject, if he's still here. A. Thomas Jelinek. Is he still here? Sir, would you come forward?"

A. THOMAS JELINEK: "Members of the Board, fellow citizens of Scottsdale, I'm Tom Jelinek, pastor of Los Arcos United Methodist Church. And for the last seven years, Los Arcos and the surrounding community have longed for renewal and revitalization in our neighborhood. When the concept of the ASU Center was initially proposed, I believe the majority of my congregation felt and still feel, that this project was the best of all possibilities that had been offered for the former Los Arcos Mall site. Our congregation desires to be an integral part of a revitalized community. And to that end, access, parking and visibility for our facilities remain essential. The commercial office or residential development of the one parcel immediately to the west of our church property, remains a concern, as the church is a signor to agreements running with the land, which to our understanding, prohibit the construction of permanent structures on that parcel. We continue to have productive discussions with the Deputy City Manager and with City staff regarding these issues. And we hope that we can resolve them to the satisfaction of all. Thank you."

COUNCILMAN LANE: "Thank you, Mr. Jelinek. Okay, I think we have come to the point. Now I'm going to ask for a little bit of direction from staff because what's indicated here on this item is the request is just simply to review requested development standards for the ASU-City of Scottsdale planned community district zoning application. Well we have thus done that, but I would think that it does call for a vote and we --"

ED GAWF: "I think that that would be good, Council member Lane, to -- the ordinance simply states review, but I assume that means review and comment or make a recommendation on."

COUNCILMAN LANE: "So it is subject to a motion then and a vote. Okay, if everyone is satisfied, do I have a motion?"

BOARD MEMBER JONES MOVED TO ACCEPT ISSUE 26-ZN-2004 AND RECOMMEND IT TO CITY COUNCIL AND THE PLANNING COMMISSION. SECONDED BY COMMISSIONER BARNETT.

BOARD MEMBER O'NEILL: "A comment regarding the speaker that just spoke. I just wanted to make sure that none of the things that we're getting ready to approve now would affect them negatively. I think those are issues that aren't pertinent to our approval today. I just wanted to make sure of that."

ED GAWF: "That is correct and we have been working with the church and will continue to do so. And the developer has committed to that as well."

BOARD MEMBER O'NEILL: "Thank you."

DONNA BRONSKI: "Chairman? I hesitate to interrupt but this is such an important matter. If I could just clarify that this motion is including approval of all of the amended development standards presented to you for your review today?"

BOARD MEMBER JONES: "That would be correct."

COUNCILMAN LANE: "All right, that's accepted. Is it accepted by the second as well? Is that sufficient, Ms. Bronksi?"

DONNA BRONSKI: "Yes. Thank you, Chairman."

THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).

COUNCILMAN LANE: "The next item that we will move on will be the first item that was pulled from the consent agenda and that is 5-DR-2003#5; Jug N' Barrel Wine Store. Could I get staff, please, to give us a presentation on that."

5-DR-2003#5

Jug 'N Barrel Wine Store
Site Plan & Elevations
14795 N Northsight Boulevard
SKD Architecture, Architect/Designer

KURT JONES: "Councilman Lane and members of the Development Review Board, the Jug 'N Barrel is a pad up at Northsight and I believe the application was pulled with regards to



ASU-Scottsdale Center for Technology & Innovation 26-ZN-2004

Development Review Board June 9, 2005



McDowell Road Corridor

Open Space Residential Commercial

Purpose of Development Review Board Review



- Planned Community (PC) District
- Amended Development Standards
- PC District implements a majority of standards from the Planned Regional Center (PRC) District
- PC District requires development standard modification procedure to first be heard by DRB
- Review and pass recommendation on to Planning Commission and City Council on the amended standards request only
- Site plan, elevations, landscaping, etc. Will return for **JRB** review

Ad-Hoc Citizens Advisory Working **Group Guiding Principles**



- Create a Balance of Land Uses and Relationships Between Parcels
- Encourage Meaningful Open Space and Public **Uses**
- Facilitate Mobility and Interconnectivity

3

- Demonstrate Scottsdale's Continued Commitment to Quality
- Exemplify Environmental Sustainability

5.

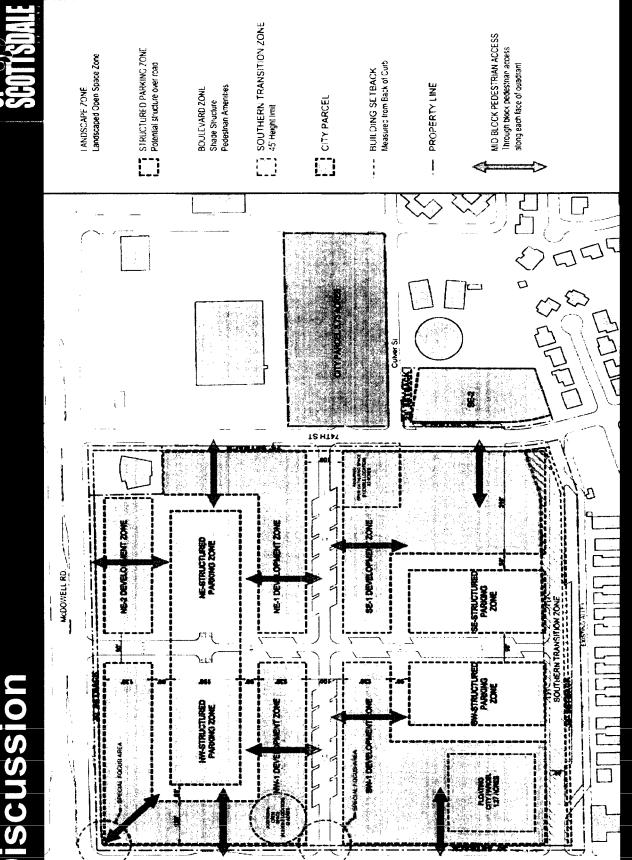
6.

Promote Social and Economic Vitality of the Site and Surrounding Area



Applicant's Presentation

mended Development Standards



SCOTTSDALE RO

and Uses



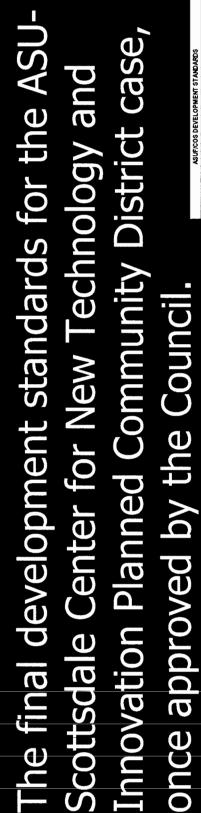
- New Technology and Innovation (the Center) The land uses for ASU-Scottsdale Center for are drawn from three (3) zoning districts
- (Commercial Office) and I-1 (Industrial Park) PRC (Planned Regional Center), C-O
- These uses provide the flexibility necessary to accommodate the essential mixed-use quality of the Center.

Development Standards



- Development standards are drawn from one (1) zoning district only—PRC (Planned Regional Center).
- These development standards:
- most closely reflect the vision that the Center will be a place where research interfaces with economic development, education and the local community.
- The PRC amendment development standards are proposed to be amended to further the Working Group framework plan.
- Office) and I-1 (Industrial Park) are inapplicable to this The development standards for the C-O (Commercial

Results



CATGGGRY	DEVELOPMENT STANDARD
PLOON AREA RATIO	its no case shall the gross foot area of a structure escend the amount equal to eight christi multiplied by the nel follower of the P.C. side on square leef
VOLUME RATIO	Volume ratio in no case shall the addine of any abustice exceed the product of the ball to are of the P.C. also an equival heaf multiplied by stateen (16) heaf
eacher report	As a public year installed ring file) the of the granter as the water product of deep of the granter and the granter as the gr
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open ep ace requirements	to no case shaft the spen space responsed to act a binn heraly (35) percent of also we'll see except the set of any act except to the set of a set
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PROPERTY SIZE	The goas land were on which there as a R-C development shall not be less than hearty- the (2) excess. The processor of white (1) but sook as seed all one of the comment was shall be
OFF-STREET PARKING	The greatest of annual to the apply except as not once commercial uses that the particle if space particle states from Sharamed persong their had be calculated beautiful provided four one ratio and provided volume.
1	The provision of extremibility and apply enough a master sign plan shall be authorized at

PC District Development Standards -Proposal Summary



- Height 60 Feet; lower heights stipulated towards existing residential
- Floor Area Ratio .8
- Open Space:
- 30' pedestrian and landscape areas along main roads
- East/west pedestrian spine Boulevard
- City open space
- Building Step back stipulations address ocation
- Parking 1 space per 300sqft. gross floor area of the project – structured and on-street

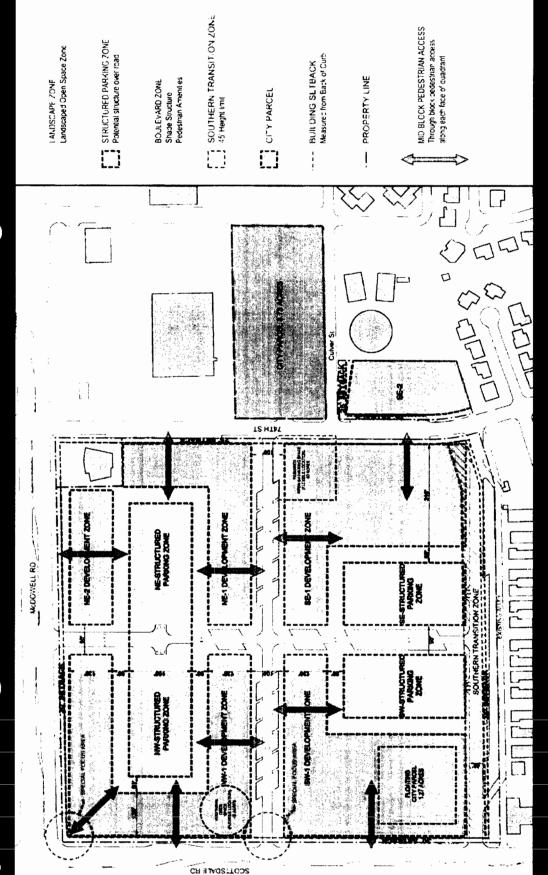
Amended PRC Standards

- Floor Area Ratio
- Open space
- Parking calculations
- Building step back

and Use Plan

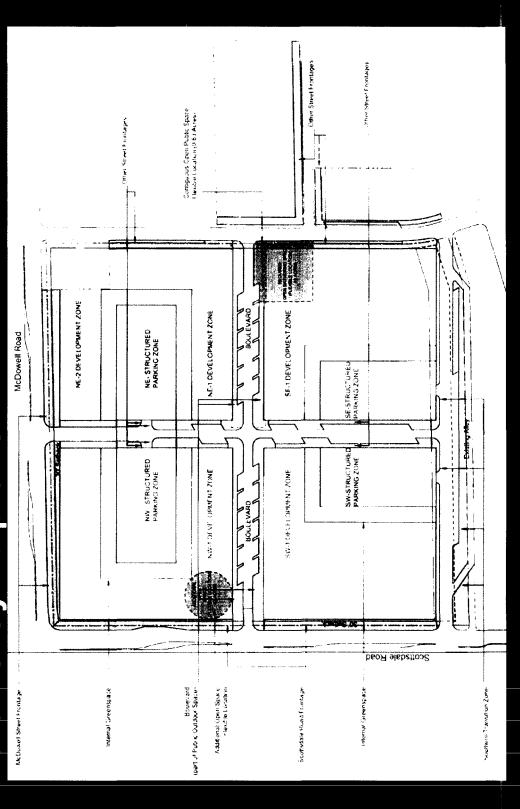
Floor Area Ratio - .8 excluding limitations on square footage of non-residential buildings

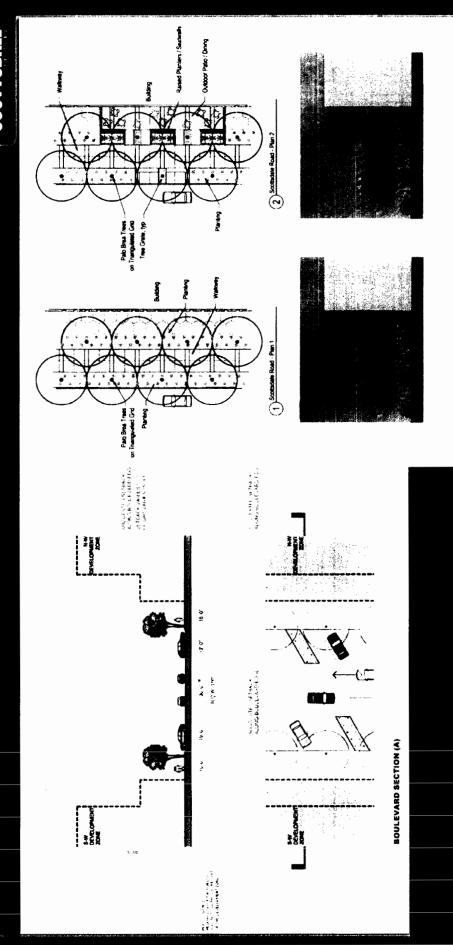




Open Space

nodifying frontage open space requirements Dpen space – 20% minimum open space and under the front yard provision.

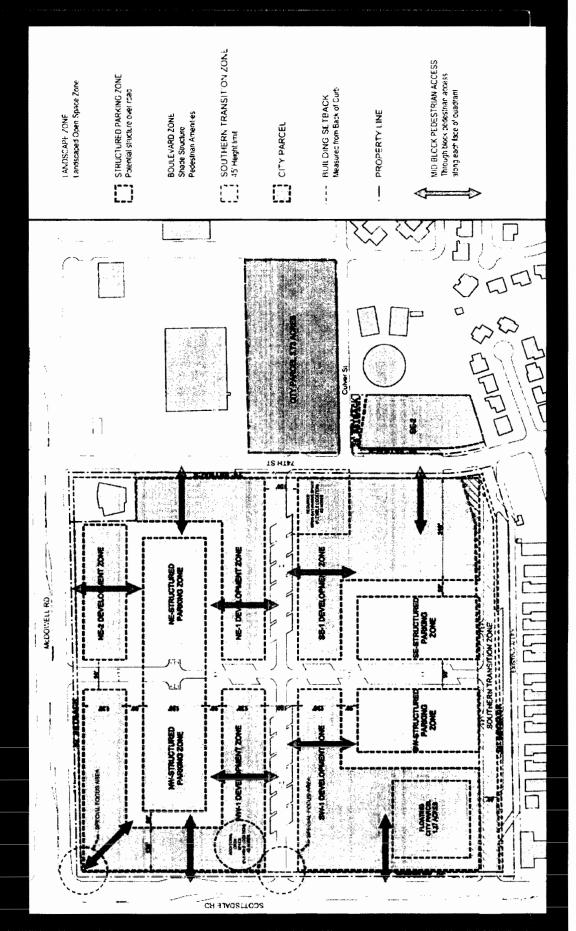




Parking

area and excluded from floor area/volume ratios 1 space for every 300 square feet of gross floor

SCOTISDALI



Process and Timelines



- Zoning Entitlement
- DRB June 9th
- Planning Commission June 15th
- · City Council June 21st
- Development Review Board Application
- Phase I site plan and elevations late summer submittal and **DRB** hearing
- Construction Timeline
- Commence construction Phase 1 first quarter 2006
- Completion of Phase 1 Late 2006/ Early 2007

Staff Recommendation



- Staff recommends that: The DRB should forward a motion, with regards to the amended development standards, with a recommendation for approval.
- The proposed limited amendments to the PC District development standards implements the vision of the ASU-Scottsdale Center as outlined in the lease agreement.
- They also support the recommendations of the ASU-Scottsdale Ad Hoc Advisory Working Group.
- The proposed amended standards will facilitate the creation of a new hub, mixed-use center in Scottsdale's revitalization area.



